

INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

PROPERTY OF BLM
UTAH STATE OFFICE
LIBRARY COPY

**U.S. Department of the Interior
Bureau of Land Management**

December 12, 1979

BLM Library
Denver Federal Center
Bldg. 50, OC-521
P.O. Box 25047
Denver, CO 80225

INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

Table of Contents

INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

U.S. Department of the Interior
Bureau of Land Management

December 12, 1979

INTERIM MANAGEMENT POLICY
AND GUIDELINES FOR
LANDS UNDER WILDERNESS REVIEW

U.S. Department of the Interior
Bureau of Land Management

December 19, 1984

INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

Table of Contents

Introduction	5
Chapter I. Management Policy for Lands Under Wilderness Review	9
A. General Policy	
B. Specific Policy Guidance	
Chapter II. Implementation of the Interim Management Policy	14
A. Activities Subject to the IMP	
B. Evaluation Procedures	
C. Decisions and Appeals	
D. Enforcement	
E. Record Keeping	
Chapter III. Guidelines for Specific Activities	17
A. Recreation	
B. Cultural and Paleontological Resources	
C. Lands Actions – Access, Realty, Rights-of-Way and Withdrawals	
D. Forestry	
E. Wildlife	
F. Fire Management	
G. Watershed Management	
H. Rangeland Management	
J. Mineral Uses	
Appendices	27
A. Wilderness Protection Stipulation	
B. Section 603 of the Federal Land Policy and Management Act	
C. Section 2(c) of the Wilderness Act	
D. Authority	
E. Summary of the Wilderness Review Program	
F. Definitions	

INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

Table of Contents

2	Introduction
9	Chapter I: Management Policy for Lands Under Wilderness Review
	A. General Policy
	B. Specific Policy Guidelines
14	Chapter II: Implementation of the Interim Management Policy
	A. Activities Subject to the IMP
	B. Evaluation Procedures
	C. Decisions and Appeals
	D. Enforcement
	E. Record Keeping
17	Chapter III: Guidelines for Specific Activities
	A. Recreation
	B. Cultural and Paleontological Resources
	C. Land Access - Access, Realty, Rights-of-Way and Withdrawals
	D. Forestry
	E. Wildlife

U.S. Department of the Interior. As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

Introduction

The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to review areas of the public lands determined to have wilderness characteristics, and to report to the President his recommendations as to the suitability or nonsuitability of each such area for preservation as wilderness. The Secretary is required to report his recommendations to the President by October 21, 1991, and the President is required to report his recommendations to Congress by October 21, 1993. During the period of this review and until Congress acts on the President's recommendations, the Secretary is required to manage such lands so as not to impair their suitability for preservation as wilderness, subject to certain exceptions and conditions.

This document describes the policy and guidelines under which the Bureau of Land Management (BLM) will manage the lands under wilderness review. This policy is referred to as the "interim" management policy because it applies to specific areas of the public lands for a limited amount of time, depending upon various stages and schedules of the review process. The purpose of the policy and guidelines is to guide BLM staff in the specific decisions that arise every day in the management of lands under wilderness review.

There are two categories of public lands to which this policy applies: (1) lands for which the wilderness inventory process has not yet been completed, and (2) wilderness study areas (WSA's). These two categories together are referred to as "lands under wilderness review."

The first category of lands to which the Interim

Management Policy (IMP) applies are lands subject to wilderness review but for which the BLM wilderness inventory process has not yet been completed. The inventory is a preliminary phase that leads to identification of wilderness study areas. Because completion of the wilderness inventory process may result in identifying lands under inventory as wilderness study areas, these lands must be managed under the IMP until a final decision in the inventory process resolves their status. The wilderness inventory in the contiguous western States is scheduled for completion in 1980.

The second category of lands, wilderness study areas, consists of lands which the BLM has determined have wilderness characteristics, as defined in the Wilderness Act of 1964. This determination is made through the wilderness inventory process described in the BLM's *Wilderness Inventory Handbook*. These wilderness study areas are being studied by the BLM to determine whether they are suitable or unsuitable for preservation as wilderness. Based on this study, the Secretary of the Interior will submit his recommendations on each wilderness study area to the President, and the President will send his recommendations to Congress. Only Congress can designate an area as wilderness and, therefore, as a unit of the National Wilderness Preservation System.

The Interim Management Policy is temporary and applies only during the time an area is under wilderness review and until Congress acts on wilderness study areas. After Congress acts on the President's recommendations for each wilderness

study area, a different policy will apply to the area, depending on whether or not Congress designates the area as wilderness. Areas designated as wilderness will be managed under a basic policy for permanent wilderness management, which will soon be drafted by the BLM and issued for public review. This policy will be amended as necessary to reflect any requirements incorporated into the law designating a wilderness area on BLM lands. Areas Congress determines not to designate as wilderness will no longer be subject to the Interim Management Policy, and will be managed under general BLM management policies.

The Interim Management Policy (IMP) obviously is not the only policy that governs the management of lands under wilderness review. The BLM has many other laws and policies to carry out which may affect whether and how an activity may take place on lands under wilderness review, even when that activity is permissible under the IMP.

Mandates from Congress

The BLM wilderness review program stems from section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA). In FLPMA, Congress gave BLM its first unified, comprehensive mandate on how the public lands should be managed. The law establishes a policy of generally retaining the public lands in Federal ownership, and it directs the BLM to manage them under principles of multiple use and sustained yield. The BLM is to prepare an inventory of the public lands and their resources, including identification of areas having wilderness characteristics. Management decisions for the public lands are to be made through a land-use planning process that considers all potential uses of each land area. All public lands are to be managed so as to prevent unnecessary or undue degradation of the lands.

Under FLPMA, wilderness preservation is part of BLM's multiple-use mandate, and wilderness values are recognized as part of the spectrum of resource values and uses to be considered in the inventory and in the land-use planning process. Section 603 of FLPMA specifically directs the BLM, for the first time, to carry out a wilderness review of the public lands. (The complete text of section 603 appears in Appendix B of this document. The BLM's wilderness review program implementing section 603 is summarized in Appendix E.)

Section 603(c) of FLPMA tells the BLM how to manage the lands under wilderness review, in these words:

During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness... (emphasis added)

We will refer to this as the "nonimpairment" mandate.¹

Importantly, section 603(c) provides a special exception from the nonimpairment mandate for existing mining, grazing, and mineral leasing uses — what we will call "grandfathered" uses — in these words:

...subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act...

As is obvious from this language, the continuation of these existing uses is not unrestricted. They are restricted to the same "manner and degree" as on the date FLPMA was approved (October 21, 1976).

The Secretary is also directed by section 603(c) to "take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection." This applies to these grandfathered uses and to all other activities. A similar provision in Section 302(b) concerning all public lands, even those not under wilderness review, directs the Secretary to "prevent unnecessary or undue degradation of the lands." The practical effect of these two provisions is the same. Therefore, throughout this document the shorter form used in section 302(b) will be cited.

Another provision in section 603(c) directs:

Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character.

(Section 204 spells out the conditions under which the Secretary may make a withdrawal, and the procedures for doing so.)

The BLM's responsibilities under section 603(c) are also affected by section 701(h) of FLPMA, which states:

All actions by the Secretary concerned under this Act shall be subject to valid existing rights.

These mandates in FLPMA establish as a matter of law that, while some development activities are permissible on lands under wilderness review, they are subject to important limitations and must be carefully regulated. All activities except those specifically exempt must be regulated to prevent impairment of

¹ The wilderness review required by section 603 focuses on roadless areas of 5,000 acres or more and on roadless islands. The BLM as a matter of policy has used its general management authority under sections 302 and 202 of FLPMA to include in the wilderness review some roadless areas smaller than 5,000 acres. (The criteria for such areas are spelled out on page 12 of the *Wilderness Inventory Handbook*.) The management mandate in section 603(c) does not apply to roadless areas smaller than 5,000 acres. However, as a matter of policy the BLM will use its management authority under section 302 of FLPMA to apply a modified form of interim management to these areas, as is explained in Chapter I. A. 5.

wilderness suitability. If an activity not specifically exempt cannot meet this condition, the activity cannot be permitted on lands under wilderness review.

There are five different practical effects of these provisions with respect to "interim management" of lands under wilderness review. First, the general standard for interim management is that lands under wilderness review must be managed so as not to impair their suitability for preservation as wilderness. We will refer to this as the "nonimpairment" standard. This applies to all uses and activities except those specifically exempted from this standard by FLPMA (such as grandfathered uses).

Second, those grazing, mining, and mineral leasing uses that existed on October 21, 1976 (the date FLPMA was approved), may continue in the same manner and degree as on that date, even if this would impair wilderness suitability.

Third, lands under wilderness review may not be closed to appropriation under the mining laws in order to preserve their wilderness character.

Fourth, valid existing rights must be recognized.

Fifth, the lands must be managed to prevent unnecessary or undue degradation.

Meaning of the Congressional Mandate

Determining what can take place on lands under wilderness review depends partly on what the specific language of each of these provisions means, partly on how each provision interacts with other provisions of FLPMA and with other laws, and partly on what authority the Department has under FLPMA and other laws to regulate uses of the public lands.

Nonimpairment

To determine what is permissible under the general "nonimpairment" standard, we must examine what Congress meant by *impairment* of an area's *suitability for preservation as wilderness*.

The term "suitability ... for preservation as wilderness" originated in the Wilderness Act of 1964, which directs the Secretary of Agriculture to "review, as to its *suitability or nonsuitability for preservation as wilderness*" each of the national forest areas classified as "primitive." Likewise, the Wilderness Act directs the Secretary of the Interior to review certain roadless areas and islands in the National Park System and in the national wildlife refuges and game ranges and "report to the President his recommendation as to the *suitability or nonsuitability of each such area or island for preservation as wilderness*." The term is similarly used in section 603(a) of FLPMA, which directs the Secretary of the Interior to review certain roadless areas and islands and to "report to the President his recommendation as to the *suitability or nonsuitability of each such area or island for preservation as wilderness*". (Emphasis added.)

In the Wilderness Act and FLPMA, the term "suitability" implies two things. First, it implies that, at the minimum, the area satisfies the definition of wilderness in section 2(c) of the Wilderness Act:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

The Department therefore has a responsibility under the nonimpairment standard to ensure that each wilderness study area satisfies this definition at the time Congress makes a decision on the area. As a practical matter, this means that it must meet this definition by the time the Secretary reports his recommendation to the President, because the President might immediately send his recommendation to Congress, and Congress might act immediately.

The word "suitability" takes on a second meaning in the context of recommendations made by the Secretary to the President. Congress made it clear in section 603 of FLPMA that an area with all necessary wilderness characteristics defined in section 2(c) of the Wilderness Act might be found by the Secretary to be either "suitable" or "unsuitable" for preservation as wilderness. Since each area *must* have been determined to have wilderness characteristics in order to qualify for wilderness study under the mandate of FLPMA, it seems clear that the principal factor to be used by the Secretary in arriving at a suitable/unsuitable recommendation is the value of an area as wilderness compared to its value for other uses, such as commercial forest management or mineral development. The Department therefore has a responsibility to ensure that an area's existing wilderness values are not degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

Management under the nonimpairment standard, to which there are two exceptions described later, has these goals: (1) to ensure that any area that now satisfies the wilderness definition in section 2(c) of the Wilderness Act will satisfy that definition when the Secretary sends his wilderness recommendation to

the President and thereafter until Congress acts, and (2) to ensure that, by the time the Secretary sends his wilderness recommendation to the President, the area's wilderness values have not been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

Anything that would conflict with these goals would constitute impairment of the area's suitability for preservation as wilderness.

Management to the nonimpairment standard does not mean that the lands will be managed as though they had already been designated as wilderness. For example, some uses that could not take place in a designated wilderness area may be permitted under the Interim Management Policy because they are only temporary uses that leave no physical or aesthetic impacts on the land and that can easily be terminated if Congress decides to designate the area as wilderness.

Some temporary uses can be permitted even though they cause physical or aesthetic impacts, because those impacts are temporary and will be reclaimed promptly. It is generally felt to be in the public interest, for instance, for wilderness study areas to be explored, within the nonimpairment standard, so as to learn as much as possible about all the resource values that are present.

On the other hand, some uses that were explicitly permitted by the Wilderness Act of 1964 in wilderness areas of the national forests (such as mining and mineral leasing) must be restricted under the Interim Management Policy because their impacts clearly could disqualify the area from satisfying the wilderness definition, and thus would impair wilderness suitability. During the wilderness review it is the later and more explicit FLPMA, and not the Wilderness Act, that dictates what is permissible.

The final decision on permanent wilderness designation for each wilderness study area belongs to Congress. Management under the nonimpairment standard protects Congress' right to make the designation decision by preventing actions that would pre-empt that decision.

Grandfathered Uses

To determine what uses are protected under the "grandfather" provision, we must examine what Congress meant by "continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act."

To be an "existing" use, the use clearly must have been taking place on the lands as of the date of FLPMA (October 21, 1976). An existing use might have been temporarily inactive for reasons such as bad weather or a short-term depression in market conditions, but clearly a use that had last occurred 5 or 10 years earlier

when there was no demonstrable intention of resuming immediately would not qualify, except where the use involved a long "start-up" time.

An existing use would have created actual physical impacts on the land before October 21, 1976. However, the impacts of an existing grazing use would not necessarily be noticeable on that date, because grazing, conducted under good range management practices, leaves no noticeable impacts, except those of range improvement installations.

Continuation in the same "manner and degree" implies different things for the different uses mentioned in the grandfather clause. Mineral uses generally operate by a logical progression that begins with exploration and proceeds through development of a given deposit by geographic extension until the deposit has been exhausted. By contrast, grazing use is done by grazing a given land area on a continuing basis, because range forage is a renewable resource. No change in the area of use is inherent in grazing.

In both cases, the benchmark for the "manner and degree" of an existing use is the physical and aesthetic impact that use was having on the area on October 21, 1976, because it is that impact that could affect the wilderness review.

For mineral uses, continuation in the same manner and degree implies that the use may proceed by a *logical pace and progression* — either a geographic extension or a change in the type of activity, so long as the impacts of the extension or of the new activity are not of a significantly different kind than the impacts existing on October 21, 1976. This may take place even if the activity impairs wilderness suitability.

For grazing uses, continuation in the same manner and degree implies that grazing may continue on the lands authorized as of October 21, 1976, so long as the impacts of that use do not increase.

Appropriation Under the Mining Laws

As it appears in section 603(c), the mandate that lands under wilderness review continue to be subject to appropriation under the mining laws is a prohibition against withdrawal of lands under wilderness review from appropriation under the mining laws for the purpose of preserving the land's wilderness character. It is not an exception to the nonimpairment mandate. Although they may still take place, activities entailed in appropriation under the mining laws — including the location of new claims, assessment work, exploration activities on claims, and the issuance of patents — must be regulated so as not to impair wilderness suitability. (Of course, mining activities covered by the grandfather provision and certain valid existing rights are exceptions to the nonimpairment mandate.)

If a mining claimant, using methods that do not impair wilderness suitability, makes a valid discovery and can show proof of that discovery to the BLM, the discovery represents a right to patent the claim. If a patent is issued, title to the land is transferred to the claimant.

At that point the claim ceases to be public land and is therefore no longer subject to wilderness review or to the Interim Management Policy.

Valid Existing Rights

The "valid existing rights" provision of FLPMA (Section 701(h)) clearly applies only to valid rights outstanding ("existing") on October 21, 1976. Those valid rights will be recognized, but they are not necessarily exempt from the nonimpairment mandate.

In cases where the Department has authority to regulate a valid existing right, the nonimpairment mandate of section 603 requires the Department to regulate it to avoid impairing wilderness suitability. This is the case with the majority of mineral leases issued before October 21, 1976. The right granted by those leases is not an absolute, uncontrolled right. It is a right conditioned on compliance by the lessee with the Department's rules, orders, and regulations in effect either on or after the date of the lease. Therefore, lessees will be required to comply with the nonimpairment mandate of FLPMA, unless the activities on the leases qualify as grandfathered uses. If a lessee proposes to conduct activities that cannot meet the nonimpairment standard and those proposed activities are denied for this reason, the lessee has the right to request a suspension of operation. The policy on lease suspensions is explained more fully in Chapter III. J. 1(d).

In cases where the Department has no such authority to regulate the valid existing rights to the nonimpairment standard, those rights may be exercised, even if this will impair wilderness suitability. This is the case with mining claims on which a valid discovery had been made before October 21, 1976. If the claimant can show evidence to the BLM that a discovery was made before that date, the operation will not be regulated to the nonimpairment standard, regardless of the kind of impacts from activities on the claim on October 21, 1976.

The valid existing rights and grandfather provisions create a significant overlap, because some mineral uses qualify under both provisions:

Mining Claims: Mining claims located before October 21, 1976, represent a valid existing right if a valid discovery had been made on the claim before October 21, 1976. Of course, if any such claims were actively being worked as of October 21, 1976, they would also qualify as grandfathered uses. But they enjoy a more liberal development standard under the valid existing rights provision, because in this case they would be able to proceed even if the activities exceeded the manner and degree that existed on October 21, 1976.

Mineral Leases: Mineral leases issued before October 21, 1976, represent a valid existing right. If they were actively being worked as of October 21, 1976, and if physical impacts had been created on the ground,

these leases would also qualify as grandfathered uses. In most if not all cases (depending upon the legal rights conveyed by the specific lease in question), the grandfather provision provides the more liberal development standard, allowing continuation in the same manner and degree as on October 21, 1976; otherwise, the nonimpairment standard would apply. If a lessee proposed to conduct activities that cannot meet the nonimpairment standard and those proposed activities were denied for this reason, the lessee would have the right to request a suspension of operation. The policy on lease suspension is explained more fully in Chapter III. J. 1(d).

Chapter I. Management Policy for Lands Under Wilderness Review

A. General Policy

1. The Department of the Interior's management policy is, except in the cases stated below, to continue resource uses on lands under wilderness review in a manner that maintains the areas' suitability for preservation as wilderness. This Interim Management Policy will be in effect until one of the following occurs:

a. In some cases the BLM wilderness inventory process will result in a determination that a wilderness inventory unit does not meet the Wilderness Act's definition of wilderness. In such cases, as soon as the BLM State Director has announced a final decision and any relevant administrative review process has been exhausted, the Interim Management Policy will no longer apply.

b. If Congress designates a wilderness study area as wilderness, the BLM will manage the area for preservation of its wilderness character. The Federal Land Policy and Management Act (FLPMA) requires that designated wilderness areas be managed under provisions of the Wilderness Act that apply to national forest wilderness. BLM will prepare a management policy to implement this mandate for any BLM areas that Congress may decide to designate as wilderness.

c. If Congress determines that a wilderness study area will not be designated as wilderness, the Interim Management Policy will no longer apply.

2. The law provides for, and the Department's policy is to allow, continuation of grazing, mining, and mineral leasing uses on lands under wilderness review in the manner and degree in which these uses were being done on October 21, 1976, so long as they do not cause unnecessary or undue degradation of the lands. These are referred to as the "grandfathered" uses.

3. The Department's policy is to allow appropriation under the mining laws; i.e., these areas, in accordance with the congressional mandate, will not be withdrawn from the operation of the mining laws for the purpose of preserving their wilderness character. Activities involved in appropriation under the mining laws — including location of new claims and the assessment work necessary to hold claims — will be allowed so long as these activities are carried

out in a manner that does not impair the area's wilderness suitability.

4. The Department's policy is to recognize valid existing rights that were outstanding on October 21, 1976. A further explanation of the policy on valid existing rights appears in section B. 7, below.

5. If a wilderness study area or inventory unit (except islands) is smaller than 5,000 acres, existing and new mining activities under the 1872 Mining Law will be regulated in that area only to prevent unnecessary or undue degradation of the lands — not to prevent impairment of wilderness suitability. All other activities will be managed under the Interim Management Policy. The *Wilderness Inventory Handbook* provides for identification of wilderness study areas under 5,000 acres under certain conditions specified on page 12 of the handbook. Although section 603 of FLPMA does not require these areas to be given interim management, the Department has the authority under section 302 of FLPMA to manage these lands similarly. The Department's policy is to manage them under the Interim Management Policy, except with respect to mining claims located under the 1872 Mining Law. The authority to regulate activities to the nonimpairment standard with respect to the mining laws only applies to the areas that meet the criteria of section 603 — i.e., either islands or roadless areas of 5,000 acres or more. Section 302 provides the authority to regulate mining on all public lands to prevent unnecessary or undue degradation.

B. Specific Policy Guidance

This section tells how the Bureau of Land Management will apply the general policies set forth in section A, above.

1. **Lands under Wilderness Review.** The Bureau of Land Management is conducting a wilderness inventory under procedures described in the *Wilderness Inventory Handbook*, issued on September 27, 1978. The inventory will sort lands into two categories: (a) wilderness study areas, to which the Interim Management Policy will apply, and (b) lands that are determined not to have wilderness characteristics and therefore will not be subject to the Interim Management Policy. Lands that are being reviewed in the wilderness inventory and have not yet been dropped from the inventory by a final decision of the BLM will be subject to the Interim Management Policy because they may be identified as wilderness study areas by that final decision.

2. **Nonimpairment.** Any activity that BLM has determined does not impair the land's suitability for preservation as wilderness may be permitted on lands under wilderness review. Before approving proposed activities generally identified as nonimpairing in this document, BLM will first ensure that they conform to the existing management framework plan, if one has been prepared for the affected lands (see 43 CFR 1601.8), and will then review the proposal through an environmental assessment to determine whether, in a specific case, they will be nonimpairing and to ensure that approval of such activities will not create a situation in which the cumulative effect of existing uses and the new proposed uses would impair wilderness suitability.

Activities that protect or enhance the land's wilderness values or that provide the minimum necessary facilities for public enjoyment of the wilderness values are considered nonimpairing. For example, trails and sanitary facilities could be built for primitive recreational use.

All other activities will be considered nonimpairing if the BLM determines that they meet each of the following criteria, referred to hereafter as the "nonimpairment criteria":

a. It is temporary. This means that the use or activity may continue until the time when it must be terminated in order to meet the reclamation requirement of paragraphs (b) and (c) below. A temporary use that creates no new surface disturbance may continue unless Congress designates the area as wilderness, so long as it can easily and immediately be terminated at that time, if necessary to management of the area as wilderness.

b. Any temporary impacts caused by the activity must, at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the wilderness study area (or inventory unit) as a whole by the time the Secretary of the Interior is scheduled to send his recommendations on that area to the President, and the operator will be required to reclaim the impacts to that standard by that date. If the wilderness study is postponed, the reclamation deadline will be extended accordingly. If the wilderness study is accelerated, the reclamation deadline will not be changed. A full schedule of wilderness studies will be developed by the Department upon completion of the intensive wilderness inventory. In the meantime, in areas not yet scheduled for wilderness study, the reclamation will be scheduled for completion within 4 years after approval of the activity. (Obviously, if and when the Interim Management Policy ceases to apply to an inventory unit dropped from wilderness review following a final wilderness inventory decision of the BLM State Director, the reclamation deadline previously specified will cease to apply.) The Secretary's schedule for transmitting his recommendations to the President will not be changed as a result of any unexpected inability to complete the reclamation by the specified date, and such inability will not constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

The reclamation will, to the extent practicable, be done while the activity is in progress. Reclamation will include the complete recontouring of all cuts and fills to blend with the natural topography, the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring. Plant cover will be restored by means of reseeding or replanting, using species previously occurring in the area. If necessary, irrigation will be required. The reclamation schedule will be based on conservative assumptions with regard to growing conditions, so as to ensure that the reclamation will be complete, and the impacts will be substantially unnoticeable in the area as a whole, by the time the Secretary is scheduled to send his recommendations

to the President. ("Substantially unnoticeable" is defined in Appendix F.)

c. When the activity is terminated, and after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness. The wilderness values to be considered are those mentioned in section 2(c) of the Wilderness Act, including naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, and ecological, geological or other features of scientific, educational, scenic, or historical value.

Any temporary impacts authorized by the BLM under these criteria will be ignored during the wilderness study; the area will be considered in its expected condition at the time reclamation is complete, as required by paragraphs (b) and (c) above.

3. Supporting Activities. Some activities that in themselves are nonimpairing may require supporting facilities or activities that could impair wilderness suitability. (For example: a boat launching ramp and associated parking area as supporting facilities for boating, or the cross-country use of motor vehicles to retrieve sailplanes or hang gliders.) When this is the case, the supporting activity will be limited as necessary to meet the nonimpairment criteria (see section 2, above). If the supporting activity cannot be done in a nonimpairing manner, then the principal activity will not be approved.

4. Cumulative Impacts. It is recognized that many minor impacts of nonimpairing activities could accumulate to a point at which the total impact would impair wilderness suitability either by creating impacts that overall are *noticeable* (i.e., are not substantially unnoticeable) or by degrading the area's wilderness values so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

To prevent such cumulative impacts from impairing wilderness suitability, the BLM will monitor the cumulative impacts of ongoing activities. If those impacts are growing so great that the area's wilderness suitability could be impaired, the BLM will take steps to control that impact by adjusting the conditions of use (such as time, place, and quantity), by prohibiting the expansion of the activity, or, if necessary, by prohibiting the activity altogether on the affected lands. The BLM will also consider cumulative effects in making decisions on new proposals to conduct what individually would be nonimpairing activities; if the proposed activity will create an unacceptable additional increment of impact, it will not be approved.

5. Existing Facilities. Some lands under wilderness review may contain minor man-made facilities that were found in the wilderness inventory process to be substantially unnoticeable in the area. For example, these may include primitive vehicle routes ("ways")

and range improvements such as fences and spring developments. There is nothing in this Interim Management Policy that requires such facilities to be removed or shut down. On the contrary, they may remain, and they may be used as before, so long as this does not cause new impacts that would impair the area's wilderness suitability. (Grandfathered uses are, of course, exempt from the nonimpairment standard.)

6. "Grandfathered" Uses.

a. **General.** Section 603(c) of FLPMA provides a special exception to the nonimpairment standard. Grazing, mining, and mineral leasing uses that existed on the date of approval of FLPMA (October 21, 1976) may continue in lands under wilderness review in the same manner and degree as on that date, even if this impairs wilderness suitability. These are the "grandfathered" uses, protected by the "grandfather" clause of section 603. These uses must be regulated to ensure that they do not cause unnecessary or undue degradation of the lands.

Although activities on mining claims on which a valid mineral discovery was made prior to October 21, 1976, may qualify as grandfathered uses, these claims qualify for a more liberal development standard under the policy for valid existing rights (see section 7, below).

b. **Criteria.** A grandfathered use is a mineral or grazing use that was taking place on the land as of the date of approval of FLPMA (October 21, 1976). A grandfathered mineral use must have created *actual physical impacts* before that date.

In some circumstances, a grazing or mineral use may have been temporarily inactive on October 21, 1976, for reasons such as bad weather, natural disaster, a labor strike, or a short-term depression in the market for the product, and the operator fully intended to resume immediately upon termination of the temporary source of inactivity. In such cases, a rule of reason will be followed, but "temporarily inactive" will normally mean no more than 12 months prior to October 21, 1976. There may be unusual circumstances causing more than 12 months of temporary inactivity; these will be considered case by case, but shutdowns for market reasons longer than 12 months will not qualify. In the case of pre-FLPMA exploration activity creating actual physical impacts, such as seismic operations for oil and gas or drilling for hardrock minerals, normal industry schedules or "start-up" times will be taken into account in determining the permissible period of inactivity. Diligent pursuit and logical progression of development of the lease or mining claim must be demonstrated before these circumstances will be considered.

If a grandfathered use is acquired by a different owner, the new owner may continue the grandfathered use. But a grandfathered use is not an abstract right or privilege that can be uprooted from one land area and applied to a completely different land area; it is based on the place where it was being conducted as of October 21, 1976.

c. Manner and Degree for Mineral Uses.

Continuation of a grandfathered use is limited to the same "manner and degree" as on October 21, 1976. The manner and degree of a mineral use refers to the kind of physical and aesthetic impacts the grandfathered use caused as of October 21, 1976. Continuation of a grandfathered mineral use in the same manner and degree may include a logical progression of activity — a geographic extension of the existing activity, or a change in the type of activity — if these are done at a logical pace and if the new impacts are not of a significantly different kind than the impacts existing on October 21, 1976.

This means that the *quantity* of on-the-ground impacts may be increased by the logical pace and progression of a grandfathered use, but that the new impacts may not be of a significantly different kind than the impacts involved with the pre-FLPMA activity. In determining whether the kind of impact is significantly different, consideration should be given to degradation of the area's wilderness characteristics (see the definition in Appendix C), including changes in natural contours and visual impacts.

For instance, if oil and gas exploration had been taking place by deep drilling, and one well had been drilled before October 21, 1976, additional wells could be drilled following a logical geographic extension at a logical pace of exploration, so long as the impacts were not of a significantly different kind than those of the first well. If those wells could then go to production without causing new impacts of a significantly different kind, that too could be permitted. For instance, this might occur if collecting pipelines, power lines, tank batteries and pumpjack were installed on already-disturbed sites and routes. It is the kind of impact, rather than the quantity of impact or the stage of development, that will be controlling in determining the manner and degree.

A grandfathered mineral use outside the boundary of an area under wilderness review may continue into the area as long as the activity follows the logical pace and progression of development and the impacts are not of a significantly different kind.

It is the use, rather than the claim or lease, that is grandfathered. A grandfathered mineral use may continue in the same manner and degree onto adjacent leases or claims held by the same person. Mineral leases unitized prior to October 21, 1976, are grandfathered as a unit.

d. Manner and Degree for Grazing Uses. The manner and degree of a grazing use refers to the nature of physical and aesthetic impacts the use caused as of October 21, 1976, including the condition of the range and the range improvements installed or under construction at that time. Continuation of a grazing use in the same manner and degree does not include any logical adjacent geographic continuation, as is provided for grandfathered mineral uses. This is because of the difference in the way grazing and mineral uses are carried out. Mineral uses inherently require a geographic extension to cover the entire

mineral deposit. Grazing uses, on the other hand, do not inherently require a geographic extension. Range forage is a renewable resource; therefore grazing utilizes a specified area on a continuing basis.

Continuation in the same manner and degree does not automatically include, nor does it automatically exclude, installation of new range improvements. In cases where a permit issued by the BLM before October 21, 1976, provided for the operator to install a series of improvements and part of that series had already been installed before October 21, 1976, that operator may complete the series after that date. Otherwise, the question as to what range improvements may be installed on lands under wilderness review is more meaningfully dealt with under the nonimpairment concept. Certain new range improvements may be installed under this concept, and existing improvements may be used and maintained, as is explained in the guidelines in Chapter III. H.

7. Valid Existing Rights. The valid existing rights of mining claimants and mineral lessees as of October 21, 1976, will be recognized. If the claimant or lessee transfers his claim or lease to another person, the same valid existing right will be recognized in the new holder. But a valid existing right is tied to a particular claim or lease, and cannot be transferred to a different claim or lease.

a. Mining Claims. Mining claimants are recognized as having a valid existing right if a valid discovery had been made on the claim before October 21, 1976. Activities for the use and development of such claims will be exempt from the nonimpairment policy and will be regulated only to prevent unnecessary or undue degradation of the lands. Before beginning operations whose impacts would impair wilderness suitability, the claimant must show evidence of his discovery to the BLM.

However, there is a narrow exception. If on-the-ground activities that would impair wilderness suitability are proposed on a pre-FLPMA claim with valid existing rights within a wilderness study area that the BLM Director has recommended to the Secretary as suitable for designation as wilderness, the proposed impairing activity may be temporarily disapproved by the Director. This is a narrow exception for extraordinary circumstances when the Secretary and the President may be expected to recommend the area as suitable for designation as wilderness and Congress may be expected to act in a short period of time. Such a disapproval would be for one year, subject to renewal, but not to exceed a total of two years. In such cases, the existing right remains, but its enjoyment may be postponed.

b. Leases. Valid existing rights for mineral leases issued prior to October 21, 1976, are dependent upon the specific terms and conditions of each lease. Those terms and conditions generally make existing mineral leases subject to regulations enacted and orders issued after issuance of the lease, to Secretarial approval of proposed development activities, and to Secretarial direction as to the rate and location of exploration and development. Those leases on which

actual physical impacts had occurred before October 21, 1976, and on which activities were being conducted as of that date, qualify as grandfathered uses and are subject to a more liberal standard of development (described in section 6 above) than is the case under valid existing rights. For the majority of pre-FLPMA leases, in accordance with the usual terms and conditions, where there were no pre-FLPMA physical impacts or where no activities were being conducted on the lease as of October 21, 1976, activities will be allowed so long as they are conducted in a manner that does not impair wilderness suitability. If activities proposed on a pre-FLPMA lease are denied because they cannot meet this standard, the lessee has the right to request a suspension of operation. The policy on lease suspension is explained more fully in Chapter III. J. 1 (d).

8. Appropriation under the Mining Laws. Lands under wilderness review will remain open to appropriation under the 1872 Mining Law except (a) lands that had been withdrawn from appropriation prior to the date of approval of FLPMA (October 21, 1976), and (b) lands withdrawn after October 21, 1976, for reasons other than preservation of their wilderness character. All mining activities, except grandfathered activities and activities on claims determined to have a pre-FLPMA discovery, will be regulated to prevent their impacts from impairing wilderness suitability. Claimants with a pre-FLPMA discovery are recognized as having valid existing rights (see section 7 above), and such operations will be regulated only to prevent unnecessary or undue degradation of the lands.

9. Maintenance. Existing structures and installations may be maintained to keep them in an effective, usable condition. Except for grandfathered uses and uses based on valid existing rights, maintenance will not be allowed to modify a structure or installation to a condition that would impair the area's suitability for wilderness designation. Measures required to carry out maintenance work will be allowed if these measures do not in themselves impair wilderness suitability. For this purpose — if necessary and only when authorized by the BLM — motor vehicles may be driven cross-country along routes designated by the BLM, without grading or blading. In such cases the operator will be required to reclaim any impacts caused by cross-country travel. In all cases, these activities must satisfy the nonimpairment criteria (see section B. 2 above).

10. Motor Vehicles and Motorized Equipment. The use of motor vehicles and motorized equipment does not necessarily impair wilderness suitability, if the use is on existing access routes or elsewhere so long as it does not cause impacts inconsistent with the reclamation requirements of the nonimpairment criteria (see section 2 above). Specific guidelines for recreation use of off-road vehicles appear in Chapter III. A.

Motor vehicles may be allowed off existing access routes when authorized by the BLM for these purposes: (a) in emergencies and search and rescue operations; (b) for maintenance, as described in section B. 9, above; (c) for construction and maintenance of approved structures mentioned

elsewhere in this document; and (d) for official purposes by the BLM and other Federal, State, and local agencies and their agents only when necessary and specifically authorized by the BLM for protection of human life, safety, and property; for protection of the lands and their resources; and for gathering essential information on resources. In emergencies, the cross-country travel will not be held to the nonimpairment standard, but in all other cases cross-country travel must satisfy the nonimpairment criteria (see section 2 above), including reclamation requirements. Except in emergencies, the route must be approved by the BLM and will be the route least destructive of wilderness values, no grading or blading will be allowed, and any impacts will promptly be reclaimed by the agency responsible to meet the reclamation requirements of the nonimpairment criteria.

Helicopters and fixed-wing aircraft may be landed on existing airstrips, heliports, and helispots, and on unimproved sites (both land and water). No new landing facilities may be built, except under the following conditions: (a) temporary facilities that satisfy the nonimpairment criteria (see section 2, above), or (b) helispots that are necessary for fire control and are either (i) part of a fire management plan developed in accordance with Chapter III. D. of this Interim Management Policy, or (ii) necessary in an emergency, under section 11, below.

11. Emergencies. In emergencies, such as fire or flood, any action necessary to prevent loss of life or property may be taken, even if the action will impair wilderness suitability. This may include search and rescue operations in cases of lost or injured persons, or removal of the deceased. To the greatest extent feasible, emergency actions will be conducted in the manner that least impairs wilderness suitability, and the resulting impacts will be reclaimed as soon as possible to meet the reclamation requirements of the nonimpairment criteria (see section 2 above). Within 7 days after the emergency action is completed, a record of the circumstances and the action taken will be placed in the WSA case file in the BLM District Office.

12. Air Quality. Under the Clean Air Act (as amended, 1977), all BLM-administered lands were given Class II air quality classification, which allows moderate deterioration associated with moderate, well-controlled industrial and population growth. The BLM will continue to manage wilderness study areas as Class II.

The Department of the Interior will not recommend reclassification to the more strict Class I in connection with future wilderness recommendations resulting from the BLM wilderness review. The two processes are separate and distinct, and are accomplished under two different laws, FLPMA and the Clean Air Act. Recommendations for wilderness designation are made by the BLM through the Secretary of the Interior and the President to Congress. Air quality reclassification is the prerogative of the States, and it must follow a process mandated by the Clean Air Act Amendments of 1977, involving a study of health, environmental, economic, social, and energy effects,

a public hearing, and a report to the Environmental Protection Agency. The Department will not recommend any change in air quality classification as part of wilderness recommendations. (The Department's preliminary recommendation of September 7, 1979, on reclassification to Class I of 10 BLM primitive areas was an action taken pursuant to the Clean Air Act Amendments of 1977, which required a study and recommendation on these primitive areas. Those recommendations are not related to the wilderness review, and no such recommendations will be made as part of the wilderness review process.)

14. Water Resource Projects. Some lands under wilderness review may contain minor water resource facilities that were found in the wilderness inventory process to be substantially unnoticeable in the area. If such structures are present, they may be maintained under the maintenance policy set forth in section 9, above, so long as the maintenance does not change the location, size, or type, or increase the storage capacity of a reservoir. Survey and investigation activities for new water resource projects may be permitted so long as these activities are nonimpairing as defined by section 2, above. Motor vehicles may be used cross-country if necessary and specifically authorized by the BLM under the policy set forth in section 10, above.

15. Pre-FLPMA Management. Some lands under wilderness review (particularly among the instant study areas) were subject to more strict protection, prior to approval of FLPMA, than the Interim Management Policy requires. (For instance, some areas were withdrawn from mineral entry.) In these cases, any use will be controlled by the more strict protection of the wilderness resource, regardless of whether that is provided by the IMP or by a pre-FLPMA withdrawal or regulation that is still in effect.

16. Contrast Rating. The Bureau's contrast rating process (BLM Manual Section 8431, and the Contrast Rating Worksheet, Form 8400-4) may be used as an aid in determining whether the impacts of a proposed activity are substantially unnoticeable. However, results of the contrast rating will not be adequate in themselves to document a conclusion; contrast rating must be used in combination with other methods.

Chapter II. Implementation of the Interim Management Policy

This chapter explains how the Bureau of Land Management (BLM) will implement the Interim Management Policy (IMP). It tells (1) how actions or activities affected by the IMP will be identified, (2) how to evaluate these actions and determine whether they are permissible under the IMP, (3) how BLM interim management decisions will be reached, (4) how the IMP will be enforced, and (5) how interim management records will be kept.

A. Activities Subject to the IMP

To determine whether a proposed activity is subject to the Interim Management Policy, the following four questions must be considered regarding the affected lands.

1. Are the affected lands exempt from any wilderness review? If so, the IMP does not apply. The proposal will be assessed through normal BLM procedures.

2. Have the affected lands been dropped from further wilderness review by a final decision in the BLM wilderness inventory? If so, the IMP does not apply once the final inventory decision has been announced and any relevant administrative review process has been exhausted. In this case, the proposal will be assessed through normal BLM procedures.

3. Does the proposal involve public lands that are subject to the wilderness inventory, but on which there has not yet been a final inventory decision? If so, the Interim Management Policy will apply at least until the final inventory decision is made. Proceed with the evaluation described in section B, below.

If the responsible BLM official concludes or has reason to believe that the proposal is not permissible under the IMP, there is another option that may be appropriate in some cases. The BLM State Director has the option of initiating a "special project inventory" using the procedures of the intensive inventory (Step 4-6 in the *Wilderness Inventory Handbook*). This accelerated inventory will sort the lands into two categories:

a. Those identified as WSA's; in this case, the IMP will apply.

b. Those that do not qualify as WSA's and therefore are no longer subject to the Interim Management Policy. The proposal will be further assessed through normal BLM procedures.

If appropriate, this inventory may be done at the same time as the evaluation described in section B, below.

4. Does the proposal involve public lands identified by the BLM as a wilderness study area? If so, the Interim Management Policy will apply. Proceed with the evaluation described in section B, below.

B. Evaluation Procedures

1. Exceptions to the Nonimpairment Standard. Determine whether the activity is covered by one of the exceptions to the "nonimpairment" standard:

a. Does the activity qualify as a grandfathered mineral or grazing use continuing in the same manner and degree as on October 21, 1976? (Consult the applicable policies in Chapter I. B. 6 and Chapter III. H and J.)

b. Is the activity part of the development of a mining claim on which a valid discovery had been made before October 21, 1976? (Consult the applicable policies in Chapter I. B. 7 and Chapter III. J. 5(b).)

c. In a wilderness study area or inventory unit smaller than 5,000 acres (except islands), is the activity a mining activity under the 1872 Mining Law?

If one of these (a, b, c) is applicable, the activity will be considered acceptable under the Interim Management Policy, and it will be processed through normal BLM procedures. The determination that an activity is acceptable under the IMP will be recorded in appropriate case files and included in any decision documents.

2. Evaluation Under the Nonimpairment Standard.

BLM field officials will cooperate with applicants to help identify ways by which a proposal can be brought into compliance with the nonimpairment standard, whenever possible. A proposed activity satisfies the nonimpairment standard if the BLM determines that it meets each of the following criteria, which are referred to as the "nonimpairment criteria":

a. It is temporary. This means that the use or activity may continue until the time when it must be terminated in order to meet the reclamation requirement of paragraphs (b) and (c) below. A temporary use that creates no new surface disturbance may continue unless Congress designates the area as wilderness, so long as it can easily and immediately be terminated at that time, if necessary to management of the area as wilderness.

b. Any temporary impacts caused by the activity must, at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the wilderness study area (or inventory unit) as a whole by the time the Secretary of the Interior is scheduled to send his recommendations on that area to the President, and the operator will be required to reclaim the impacts to that standard by that date. If the wilderness study is postponed, the reclamation deadline will be extended accordingly. If the wilderness study is accelerated, the reclamation deadline will not be changed. A full schedule of wilderness studies will be developed by the Department upon completion of the intensive wilderness inventory. In the meantime, in areas not yet scheduled for wilderness study, the reclamation will be scheduled for completion within 4 years after approval of the project. (Obviously, if and when the Interim Management Policy ceases to apply to an inventory unit dropped from wilderness review following a final wilderness inventory decision of the BLM State Director, the reclamation deadline previously specified will cease to apply.) The Secretary's schedule for transmitting his recommendations to the President will not be changed as a result of any unexpected inability to complete the reclamation by the specified date, and such inability will not constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

The reclamation will, to the extent practicable, be done while the activity is in progress. Reclamation will include the complete recontouring of all cuts and fills to blend with the natural topography, the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring. Plant cover will be restored by means of reseeding or replanting, using species previously occurring in the area. If necessary, irrigation will be required. The reclamation schedule will be based on conservative assumptions with regard to growing conditions, so as to ensure that the reclamation will be complete, and the impacts will be substantially unnoticeable in the area as a whole, by the time the Secretary is scheduled to send his recommendations to the President. ("Substantially unnoticeable" is defined in Appendix F.)

c. When the activity is terminated, and after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness. The wilderness values to be considered are those mentioned in section 2(c) of the Wilderness Act, including naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, and ecological, geological or other features of scientific, educational, scenic, or historical value.

3. **Information for the Evaluation.** The information needed to reach conclusions on the nonimpairment criteria cited above will be documented in the environmental assessment (EA) or environmental impact statement (EIS) that is routinely prepared for every proposed action on public lands. A normal EA or EIS determines and records whether the activity will cause unnecessary or undue degradation of the lands. For lands under wilderness review, the EA or EIS for the proposed action will also address the nonimpairment standard. It will include the following information, most of which is already required by the normal EA or EIS procedure:

a. A description of the proposal and its alternatives, including:

- Purpose and need for the action
- Exact location
- Access required, including projected use and location
- Design considerations such as size, color, and materials
- Support facilities or structures
- Construction methods, including machinery or vehicles to be used
- Maintenance schedules and procedures
- Miles and/or acres of soil and vegetation disturbance.

b. A description of the affected environment, considering both the specific site and the wilderness study area (or inventory unit) in its entirety:

- Meaningful descriptions of soils, erosion potential, vegetation, reclamation potential, topography and climate including precipitation
- Existing uses and manmade or man-caused features
- Wilderness characteristics as documented in the intensive inventory report
- Discussion of scenery characteristics, vistas, key viewing areas and visitor use areas.

c. Analysis of reclamation:

- What the particular reclamation plan will accomplish

- How the process will be implemented (type and amounts of hand and machine work)
- Vegetation to be reestablished
- Schedule
- Probability for success
- If a reclamation plan is not available or is inadequate, assess what measures would be needed to return the disturbed areas to the required reclamation level.

d. Written assessment of cumulative impacts including the following:

- If the project's impacts (after reclamation) had existed at the time of intensive inventory, would those impacts have disqualified the area from being identified as a wilderness study area?
- Will the addition of this proposal produce an aggregate effect upon the area's wilderness characteristics and values that would constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness, considering the area in its expected condition at the time the Secretary sends his recommendation to the President?
- For wilderness study areas that are pristine in character, will the addition of this proposal significantly reduce the overall wilderness quality of the WSA?

C. Decisions and Appeals

BLM decisions will continue to be made through existing procedures by those officials having delegated authority. IMP considerations will be factors in these decisions, but the decision authority, procedures and documentation will remain unchanged. The determination as to whether the project complies with the Interim Management Policy must be included in any decision documents and recorded in appropriate case files, as well as in the WSA files described in section E, below. Appeal procedures remain the same as provided by regulations governing the decision appealed. Applicants who are adversely affected by a management decision within lands under wilderness review will be informed of appeal procedures.

D. Enforcement

BLM will take all actions necessary to ensure full compliance with the Interim Management Policy. Every effort will be made to obtain voluntary compliance with the Interim Management Policy by users of the public lands. Where such efforts fail, BLM will promptly initiate additional appropriate action to achieve immediate compliance with the Interim Management Policy.

If unauthorized activities result in surface disturbance or other degradation of the area's suitability for preservation as wilderness, legal action will be

initiated as appropriate to obtain full restoration of the area. Impacts resulting from unauthorized activities will not disqualify an area from WSA status.

All action to achieve compliance with the Interim Management Policy will be initiated pursuant to existing regulations governing the noncomplying activity.

In addition to normal enforcement procedures, the following additional steps must be taken whenever a District Manager believes an activity is taking place on lands under wilderness review that is not in compliance with the Interim Management Policy:

1. Immediately contact the owner of the operation, in any manner that can be verified with documentation. Explain the situation and, depending on the situation or activity, seek the owner's assistance in bringing the operation into compliance with the IMP.
2. If this approach does not resolve the matter, notify the State Director so that additional appropriate action may be taken immediately to prevent impairment of the area's wilderness suitability. The State Director will work with the Regional Solicitor to initiate appropriate legal action, if necessary. Send a copy of the case file to the Director, Bureau of Land Management, for transmittal to the Office of the Solicitor, Division of Energy and Resources, for information.

Criminal penalties are prescribed for prohibited acts under section 303 of FLPMA (43 USC 1733) and under the following other laws and regulations relevant to the Interim Management Policy:

- Range Management
Unauthorized grazing use: 43 CFR 4140.1(b), 4150.1, 4170.2, 4210.4, 9239.2-1, 9239.3
Wild Free-Roaming Horse and Burro: 43 CFR 4760.2; 18 USC 3401
- Timber Management
Unauthorized cutting of timber — mineral and nonmineral lands and public lands in Alaska: 43 CFR 5511.1-1(f)(3), 5511.1-4(e), 5511.1-4(f), 5511.2-5, 9239.1-1, 9239.1-2; 18 USC 1852, 1853
- Recreation Management
Public property and resources: 43 CFR 8363.1-6, 8363.5
Public land closures: 43 CFR 8364.2, 9239.2-1
Special recreation permits: 43 CFR 8372.0-7; 18 USC 3401, 16 USC 460 I-6a, 16 USC 670 g-n, 16 USC 1241-1249
Off-road vehicle use: 43 CFR 8340.0-7
- Minerals Management
Coal trespass — unauthorized exploration: 43 CFR 9239.5; 18 USC 1851.

E. Record Keeping

The BLM District Office will maintain an individual file for each wilderness study area or inventory unit. In addition to the required inventory documentation, this file should be used to record all actions (including authorized access routes) that are proposed or authorized after the effective date of this policy and to

record activities believed to be in violation of FLPMA, section 603, within the WSA or inventory unit. The file should contain the following information for any individual proposal:

1. The WSA or inventory unit number.
2. A brief description of the action.
3. Accurate map notations of the proposal.
4. A description of action taken on proposed and authorized activities (approved/disapproved/pending) and on activities believed to be in violation of FLPMA.
5. A cross-reference to the pertinent case files or decision documentation and the name of staff member handling the case.
6. Comments on problems encountered and on the current status of the proposal or investigation.

Chapter III. Guidelines for Specific Activities

The guidelines in this chapter are an application of the Interim Management Policy (IMP) to some of the most common activities that take place on the public lands. It should be recognized that factors other than the IMP enter into the decisions made by the Bureau of Land Management on specific projects and activities — among them the laws, policies, and regulations governing that type of activity, and resource management plans for the affected land.

The decisions on most of these activities will be made by BLM field officials. These decisions will not be a matter of simply approving or denying proposals. BLM field officials will assist applicants to find ways, if possible, of achieving their goals by methods that are consistent with the Interim Management Policy. To be sure, activities that cause major surface disturbance are not likely to be consistent with the IMP, except in grandfathered uses and valid existing rights. But many activities can be designed and carried out in a manner that does not cause such major disturbance, and these may be able to satisfy the IMP requirements.

A. Recreation

Most recreation activities (including fishing and hunting) are permitted on lands under wilderness review. However, some activities may be prohibited or restricted because they require permanent structures or because they depend on cross-country use of motor vehicles (for example: pickup vehicles for balloons or sailplanes).

BLM will analyze the magnitude of all proposed activities to ensure that recreation use will not cause impacts that impair the area's wilderness suitability.

Most recreation uses take place under general permission from the BLM rather than under specific project applications. There is a possibility that a continuing use or an increasing use could gradually cause increased impacts and, over time, impair the area's wilderness suitability. An example might be erosion caused by increased off-road vehicle travel on trails. To prevent this type of impairment caused by

cumulative impacts, the BLM will monitor ongoing recreation uses and, if necessary, adjust the time, location, or quantity of use, or prohibit that use in the impacted area.

1. No new permanent recreational roads, structures, or installations will be permitted, except structures or installations that are the minimum necessary for human health and safety or the minimum necessary for public enjoyment of wilderness values. In these cases, facilities will be installed so that they are substantially unnoticeable and minimize surface disturbance. Temporary access routes, structures, and installations may be permitted if they meet the nonimpairment criteria.

2. Hobby collecting of mineral specimens (rock-hounding) and vegetative specimens may be permitted.

3. Recreational use of off-road vehicles (ORVs) may be permitted on existing ways and trails and within "open" areas designated prior to approval of FLPMA (October 21, 1976). The BLM will cooperate with ORV organizations to achieve the least amount of new impact on lands under wilderness review. If impacts of ORVs, either on or off existing ways and trails, threaten to impair the area's wilderness suitability, the BLM may close the affected lands to the type of ORVs causing the problem. In some cases, time or space zoning, public education, or a rest-rotation system may make a total closure unnecessary.

No lands will be designated as "closed" solely because they are under wilderness review, but if increasing impacts threaten to impair wilderness suitability, the BLM will move to control those impacts and may designate the area as "closed" to the type of vehicles causing the problem, in order to control the impacts. The Bureau also has authority under other programs to regulate ORV use to minimize damage to wildlife and other resource values.

4. Organized ORV events may be allowed to pass through areas under wilderness review on existing ways and trails, so long as the BLM has determined that such use satisfies the nonimpairment criteria. Participants and spectators using ORVs will be restricted to the designated ways and trails, which will be appropriately flagged. Assembly areas, start or finish lines, and gasoline pit stops will not be allowed. Care will be taken to ensure that the event and its impacts will not cause degradation of the area's wilderness values (including archeological and paleontological values) so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

Based on past practice, it is expected that ORV events involving cross-country travel (off existing ways and trails) as part of the route would rarely satisfy the nonimpairment criteria. However, if the BLM determines that the event can and will be carefully controlled to ensure that it fully satisfies the nonimpairment criteria, the use of cross-country route segments may be approved. Participants and spectators using ORVs will be restricted to the

Nonimpairment Criteria

The following three criteria, previously set forth in Chapter I. B. 2 of this document, are referred to many times in this chapter as the "nonimpairment criteria." They are restated here for ready reference.

Activities will be considered nonimpairing if the BLM determines that they meet each of the following criteria:

(a) It is temporary. This means that the use or activity may continue until the time when it must be terminated in order to meet the reclamation requirement of paragraphs (b) and (c) below. A temporary use that creates no new surface disturbance may continue unless Congress designates the area as wilderness, so long as it can easily and immediately be terminated at that time, if necessary to management of the area as wilderness.

(b) Any temporary impacts caused by the activity must, at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the wilderness study area (or inventory unit) as a whole by the time the Secretary of the Interior is scheduled to send his recommendations on that area to the President, and the operator will be required to reclaim the impacts to that standard by that date. If the wilderness study is postponed, the reclamation deadline will be extended accordingly. If the wilderness study is accelerated, the reclamation deadline will not be changed. A full schedule of wilderness studies will be developed by the Department upon completion of the intensive wilderness inventory. In the meantime, in areas not yet scheduled for wilderness study, the reclamation will be scheduled for completion within 4 years after approval of the activity. (Obviously, if and when the Interim Management Policy ceases to apply to an inventory unit dropped from wilderness review following a final wilderness inventory decision of the BLM State Director, the reclamation deadline previously specified will cease to apply.) The Secretary's schedule for transmitting his recommendations to the President will not be changed as a result of any unexpected inability to complete the reclamation by the specified date, and such inability will not constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

The reclamation will, to the extent practicable, be done while the activity is in progress. Reclamation will include the complete recontouring of all cuts and fills to blend with the natural topography, the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring. Plant cover will be restored by means of reseeding or replanting, using species previously occurring in the area. If necessary, irrigation will be required. The reclamation will be complete, and the impacts will be substantially unnoticeable in the area as a whole, by the time the Secretary is scheduled to send his recommendations to the President. ("Substantially unnoticeable" is defined in Appendix F.)

(c) When the activity is terminated, and after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness. The wilderness values to be considered are those mentioned in section 2(c) of the Wilderness Act, including naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, and ecological, geological or other features of scientific, educational, scenic, or historical value.

designated route and designated spectator zones, which will be appropriately flagged. Any impacts caused by the event must be reclaimed as specified in the nonimpairment criteria; therefore, the cross-country route segment and the spectator zones will not be open to recreational ORV use except during the event. Assembly areas, start or finish lines, and gasoline pit stops will not be allowed. Care will be taken to ensure that the event and its impacts will not cause degradation of the area's wilderness values (including archeological and paleontological values) so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

5. Vehicles designed for travel across snow or sand dunes may be permitted cross-country in areas designated for use by snow or sand vehicles. These vehicles may also be permitted on existing ways and trails under the guidelines in sections 3 and 4 above.

6. Facilities necessary for visitors' health and safety may be provided in either of two ways: (a) permanent facilities that are the minimum necessary for public enjoyment of wilderness values (for example: vault toilets, water well with hand pump); (b) temporary facilities that meet the nonimpairment criteria (for example: portable toilets). These facilities will be installed so that they are substantially unnoticeable and minimize surface disturbance.

7. Boating may be permitted, with or without motors. The BLM does not necessarily have authority over all waters within the public lands; some are under jurisdiction of the States. Therefore, the following guidelines apply only to those waters on which the BLM has authority to regulate boating.

No waters will be closed to motorboats solely because they are in areas under wilderness review, but if increasing impacts of boating (such as shore erosion or water pollution) threaten to impair wilderness suitability, the BLM may close the affected waters to motorboats. In some cases, time or space zoning or public education may make a total closure unnecessary. The Bureau also has authority under other programs to regulate boating to minimize damage to wildlife and other resource values.

River running, with or without motors, may be permitted. Cumulative impacts on river campsites will be monitored to prevent impairment of wilderness suitability.

No permanent launching ramps or boat docks will be built. A "brow log" may be used to reduce erosion at boat landings. Temporary launching ramps and boat docks may be installed only if they satisfy the nonimpairment criteria.

8. Environmental education and interpretive programs may be conducted so long as no permanent facilities are required.

9. New trails for foot or horse travel may be built, if they are the minimum necessary for public enjoyment of wilderness values and are constructed in a manner that causes minimal surface disturbance and ensures that the trails blend into the natural setting. Motor

vehicles will not be permitted on the new foot or horse trails.

10. Camping may be permitted. Campsites for primitive recreation use may be established if they are the minimum necessary for public enjoyment of wilderness values. Otherwise, campsites and campgrounds may be installed only if they are temporary facilities that satisfy the nonimpairment criteria. Camping with recreational vehicles may occur along existing ways so long as this use satisfies the nonimpairment criteria.

11. Cross-country skiing may be permitted. Downhill (Alpine) skiing may be permitted only if any support facilities are temporary ones that satisfy the nonimpairment criteria.

12. Aerial activities may be permitted so long as they do not require the use of motorized vehicles off ways and trails to retrieve equipment, except in areas designated as "open" before October 21, 1976. Among these are ballooning, sailplaning, hang gliding, and parachuting (sky diving).

13. Recreational gold dredging and panning, when conducted without location of a mining claim, may be permitted so long as it is done in a manner that satisfies the nonimpairment criteria. If the activity would cause significant damage to fish spawning or rearing areas lasting after the Secretary is scheduled to send his wilderness recommendation on the area to the President, it will be considered to impair wilderness suitability, and the activity will be controlled to prevent such impacts. (This activity is so regulated because it is not done on a mining claim, and therefore is not covered by the exception for "appropriation under the mining laws.") In locations where gold dredging or panning was being done as of October 21, 1976, it may qualify as a grandfathered use. (For further information on grandfathered uses see Chapter I. B. 6.)

14. Concessions will be permitted only if the use and related facilities are temporary and satisfy the nonimpairment criteria. Examples that may qualify include mobile refreshment stands, river trip outfitters, guides, and providers of pack animals and saddle horses.

B. Cultural and Paleontological Resources

Cultural and paleontological resource inventories, studies, and research involving surface examination or limited subsurface sampling may be permitted. Salvage of archeological and paleontological sites; rehabilitation, stabilization, reconstruction, and restoration work on historic structures; excavation; and extensive surface collection may be permitted if the specific project satisfies the nonimpairment criteria. Permanent physical protection, such as fences, will be limited to those measures needed to protect high-value resources, and will be substantially unnoticeable in the area as a whole.

C. Lands Actions — Disposal, Rights-of-Way, Access, and Withdrawals

1. **Disposal.** With the exceptions provided below, lands under wilderness review may not be disposed of through any means, including public sales, exchanges, patents under the Recreation and Public

Purposes Act, color of title classes I and II, sales under the Unintentional Trespass Act, agricultural leases, desert land entries (except where a vested right was established prior to October 21, 1976), or State selections. (Lands tentatively approved for State selection in Alaska are exempt from wilderness review and are not subject to the Interim Management Policy.)

Disposals of the following types may be permitted under normal BLM procedures: mining patents; desert land entries in which a vested right was established prior to October 21, 1976; exchanges approved prior to October 21, 1976, under authority of the Taylor Grazing Act, section 8; and homestead entries in which a vested right was established prior to October 21, 1976.

Disposals of the following types may be permitted only if BLM determines that the case in question satisfies the nonimpairment criteria: temporary use permits, and leases under the Recreation and Public Purposes Act.

Land exchanges may be made when BLM receives lands within an area under wilderness review, in exchange for public lands that are not under wilderness review.

2. Rights-of-Way. Existing rights-of-way may be renewed if they are still being used for their authorized purpose. If necessary for normal, routine maintenance to keep an existing pipeline in a safe and reliable condition, a temporary work area, temporary access route, or cross-country use of motor vehicles may be permitted so long as the activity is determined to satisfy the nonimpairment criteria. Emergency maintenance or emergency repairs may be made to protect human health and safety or to protect wilderness values, even if the activity impairs wilderness suitability; in such cases, the policy on emergencies, set forth in Chapter I. B. 11, must be complied with.

New rights-of-way may be approved only for temporary uses that satisfy the nonimpairment criteria.

3. Right-of-Way Corridors. Right-of-way corridors may be designated on lands under wilderness review. However, this will in no way interfere with the wilderness review. No new rights-of-way or expansions of existing rights-of-way will be approved except under the criteria in paragraph 2 above. A right-of-way corridor is not an authorization, but a planning tool. The need for actual rights-of-way within a designated corridor will be considered during the wilderness study, but any recommended rights-of-way inconsistent with the nonimpairment criteria will not be approved unless Congress decides not to designate the area as wilderness.

4. Access to Mining Claims and Non-Federal Land¹. Construction of permanent access routes will not be approved on lands under wilderness review, except in two conditions: (a) when such access qualifies as part of the same manner and degree of grandfathered mineral uses and there is no reasonable, less impairing, alternative access available, and (b) when

necessary for operations on mining claims that had a valid discovery prior to October 21, 1976, under criteria described in section J of this chapter, and there is no reasonable, less impairing, alternative access available. Temporary access routes may be approved only if they satisfy the nonimpairment criteria. The BLM will cooperate with applicants to identify reasonable alternative routes or means of access. Access by use of existing ways and trails, by air or water, by horse or pack train, or on foot are among the available methods that probably would satisfy the nonimpairment criteria. If the access constraints are unsatisfactory to the legal owners of property to which access is being sought, the BLM may consider acquiring the property either through exchange of lands or through some other agreeable method of acquisition.

5. Withdrawals. Existing withdrawals for military purposes or for specific purposes of agencies other than the BLM may be renewed if the withdrawal is still serving its purpose. No new withdrawals may be made for such purposes, except temporary withdrawals that satisfy the nonimpairment criteria.

Withdrawals transferring land to the U.S. Fish and Wildlife Service, U.S. Forest Service, or National Park Service may be approved if the land is part of an already-designated unit of the National Wilderness Preservation System or is part of a wilderness study area mandated by Act of Congress.

¹ **Access to State School Lands.** The law is not entirely clear on the extent to which a State (or its permittees or lessees) has a right of access to State school trust lands which are entirely surrounded by public lands. A Federal district court in Utah has recently held that the State has a right of access which is subject to regulation by BLM so long as the State may reasonably develop the State lands economically to fulfill the purpose of the State school land grant. Appeal of this decision is now under consideration by the Solicitor General of the United States. Moreover, the Attorney General of the United States is preparing an opinion, at the request of the U.S. Forest Service, on the right of access a State or private landowner has across national forest lands, and the Attorney General's opinion obviously may have implications for the BLM in the management of its lands. Finally, the Supreme Court has under consideration issues concerning the nature of the State school land grant, and the authority of the Secretary of the Interior with respect to those grants.

Because of the pendency of all these matters, the position expressed in this Interim Management Policy may be subject to change, based on further guidance the Department of the Interior may receive from the Department of Justice or the courts. It seems likely, however, that no matter how these issues are ultimately resolved, the BLM has authority to control the method and route of access, if reasonable alternative methods and routes of access are available that would not impair an area's suitability for preservation as wilderness, and therefore can exercise such regulatory authority to prevent impairment of an area's wilderness suitability. Final guidance will be issued by the BLM at a later date.

Withdrawals for purposes of resource protection may be made (except withdrawals from appropriation under the mining laws in order to preserve wilderness character), so long as the intended use satisfies the nonimpairment criteria.

D. Forestry

Those Oregon and California Grant (O & C) lands that are managed for permanent forest production (i.e., commercial timber production) are exempt from wilderness review, and therefore from the Interim Management Policy.

Commercial timber harvest is not permitted on lands under wilderness review, except where an existing contract, permit, lease, or license for timber harvest issued prior to October 21, 1976, cannot be modified to comply with the nonimpairment criteria. The BLM will reevaluate all such instruments to determine whether their terms permit BLM to revoke, cancel, or modify them so as to satisfy the nonimpairment criteria.

Clearcuts, selective cuts, thinning, and stand conversion will not be permitted. Pruning, site preparation, and reforestation will be permitted only in cases that satisfy the nonimpairment criteria. Reforestation using native species may be done following fire or other natural disaster if natural seeding is not adequate.

Salvage logging after natural disaster may be permitted if this can be done through nonimpairing methods, such as use of existing access routes or temporary access routes that satisfy the nonimpairment criteria. Motorized wheeled or track-laying logging equipment may be used in the area of salvage operations if the activity satisfies the nonimpairment criteria.

Trees may be cut when necessary as part of a mining operation on a pre-FLPMA claim with a valid pre-FLPMA discovery, or when the BLM has determined that this is necessary for insect and disease control or in emergencies such as fire.

Tree improvement (genetic selection and pollination), seed collection (climbing and squirrel cache), and pine nut gathering may be permitted. Insect and disease control by chemical means may be permitted if applied to individual trees or areas up to 5 acres, or to larger areas under emergency conditions when there is no effective alternative.

Domestic firewood gathering, conducted under BLM permits, may be allowed to continue in areas where it was being done before October 21, 1976 (including cross-country use of motor vehicles), only so long as it satisfies the nonimpairment criteria.

E. Wildlife

Hunting, fishing, and trapping are permitted on lands under wilderness review, under State regulations. The BLM will continue to cooperate with State wildlife agencies in the management of resident wildlife

species in accordance with established policies and procedures.

Stocking of wildlife and fish species native to North America may be permitted. Species such as the chukar partridge and brown trout, which are not native to North America but are now widely established in the West and elsewhere, may also be introduced. Where exotics were being stocked before October 21, 1976, the stocking may continue.

Introduction of threatened, endangered, or sensitive species native to North America may be allowed. If necessary, enclosures and related facilities may be built, so long as they satisfy the nonimpairment criteria.

Vegetative manipulation by chemical, mechanical, or biological means will not be permitted, except to maintain plantings or seedings established before October 21, 1976. Prescribed burning may also be done where it is required to maintain the natural condition of fire-dependent ecosystems. Hand or aerial seeding of native species may be done to restore natural vegetation.

State and Federal agencies may use temporary enclosures and facilities to trap or transplant wildlife so long as the nonimpairment criteria are met. Certain permanent installations may be permitted to maintain or improve conditions for wildlife and fish, if the benefiting species enhance wilderness values. Installations to protect sources of water on which native wildlife depend, such as exclosures, may be built for permanent use if they are substantially unnoticeable in the area as a whole and blend into the natural setting. Springs, wells, and guzzlers may be maintained, and new ones may be installed if they are substantially unnoticeable in the area and would not require maintenance involving motor vehicles if the area were designated as wilderness. (However, motor vehicles may be used to install and maintain these facilities while the area is under wilderness review, as is discussed below.) Construction activities must satisfy the nonimpairment criteria.

Fisheries enhancement activities may be permitted as long as their purpose is to protect natural conditions and to restore deteriorated habitat, and so long as they are substantially unnoticeable in the area as a whole. Fish traps, fish ladders, stream barriers, sediment control projects, and aerial stocking are among these permitted activities. Any new structures must not require maintenance by motor vehicles if the area is designated as wilderness. Construction activities must satisfy the nonimpairment criteria.

Helicopters may be used in fisheries and wildlife enhancement projects and in enforcement of fish and wildlife laws. Under the policy set forth in Chapter I. B. 10 of this document, the BLM may authorize State or local law enforcement officers to use patrol vehicles cross-country when necessary to protect the lands and their resources.

Motor vehicles may also be used cross-country to build or maintain structures and installations author-

ized under the above guidelines, and temporary access routes may be built for this purpose so long as they satisfy the nonimpairment criteria.

Animal damage control activities directed at individual offending animals, and not indiscriminate control of populations, may be permitted, so long as this will not jeopardize the continued presence of any species in the area.

F. Fire Management

BLM will continue all presuppression, suppression, and post-suppression fire activities under current methods of operation, using caution to avoid unnecessary impairment of an area's suitability for preservation as wilderness, until new fire management plans are developed for specific wilderness study areas. These new fire management plans, including prescribed burning and control of wild fire, will be developed promptly. Management objectives for the area must take into account the existing wilderness characteristics of the area, the need to prevent actions that would impair the suitability of the area for designation as wilderness, historic fire occurrence, natural role of fire, proposed degree of suppression, expected fire behavior, acceptable suppression techniques, adequate buffer zones, smoke management, effect on private or other agency inholdings and on adjacent landowners, the limits of acceptable fire weather, fire behavior, fire effects, and the access requirements of other agencies. Emergency fire rehabilitation measures will continue to be carried out under guidelines in Manual Section 7441 and Departmental Manual Part 910.

To hold fire to the desired level, fire management plans will rely on (1) the most effective methods of suppression that are least damaging to wilderness values, other resources, and the environment, while requiring the least expenditure of public funds to rehabilitate the area; (2) an aggressive fire prevention program; and (3) an integrated cooperative suppression program by agencies of the Department among themselves or with other qualified suppression organizations. Present suppression methods may be used, including use of tool caches, aircraft, motorboats, and motorized fire-fighting equipment. Existing fire lookout towers and helispots may be used and maintained; new ones may be approved as part of the fire management plan if they are the minimum necessary for fire suppression in the wilderness study area.

G. Watershed Management

Land treatments (e.g., trenching, ripping, pitting, terracing, plowing) will not be permitted on lands under wilderness review. Vegetative manipulation by chemical, mechanical, or biological means will not be permitted except: (1) plantings or seedings established before October 21, 1976, may be maintained, but not expanded; and (2) such activities may be approved if they qualify under the "manner and degree" provision for grandfathered grazing uses (see section H, below). (There is also a provision for vegetative manipulation for insect and disease

control, in section H. 4(e) of this chapter.) Hand or aerial seeding of native species may be done to restore natural vegetation. Structural and similar watershed rehabilitation measures will be permitted only if they satisfy the nonimpairment criteria.

Permanent snow gauges, air quality monitoring instruments, water quantity and quality measuring instruments, and hydrometeorologic devices may be established if these are the minimum necessary for determination of real or potential threats to human health, safety, or property and if they are substantially unnoticeable in the area. These must, however, use miniaturized equipment, be adequately camouflaged, and must not require access by motor vehicle if the area were designated as wilderness. Temporary monitoring devices for the same purposes may be installed without the above restrictions on use of motor vehicles if they satisfy the nonimpairment criteria.

Watershed rehabilitation work required by emergency conditions caused by fire, flood, storms, biological phenomena, landslides, or fumes may involve any treatments needed but must be conducted to the extent feasible in a manner that will not impair wilderness suitability. For example, the rehabilitation work will use the methods least damaging to the wilderness resource. To the extent feasible, reseeding and planting under emergency conditions will utilize species native to the area and will avoid cross-country use of motorized equipment. Seedings and plantings will be staggered or irregular, so as to avoid a straight-line plantation appearance. Any unavoidable impacts which cannot be reclaimed by the time specified under the nonimpairment criteria must receive intensive reclamation efforts to achieve full reclamation as soon as possible.

Rehabilitation projects will be documented according to standard BLM procedures.

H. Rangeland Management

1. **General.** In some respects, rangeland management activities are less restricted by the Interim Management Policy than other activities. This is partly because livestock grazing, at appropriate stocking levels, in itself, is compatible with maintaining wilderness suitability; it is partly because most grazing operations on the public lands qualify as grandfathered uses; and it is partly because some range improvements enhance wilderness values by better protecting the rangeland in a natural condition.

Some of the rangeland management activities involve a distinction between grazing uses that are "grandfathered" by section 603(c) of FLPMA and those that are not. The criteria for these two categories follow:

a. Grandfathered grazing use is that grazing authorized and used during the 1976 grazing fee year, including areas that were in the "rest" cycle of a grazing system.

b. Non-grandfathered grazing use is any grazing that was not authorized and used during the 1976 grazing fee year.

2. Grazing.

a. **Changes in Grazing.** In both grandfathered and non-grandfathered grazing, changes in number and kind of livestock or period of use may be permitted, so long as (1) the changes do not cause declining condition or trend of the vegetation or soil, and (2) the changes do not cause unnecessary or undue degradation of the lands.

b. **Prevention of Unnecessary or Undue Degradation.** The grandfather clause does not freeze grandfathered grazing uses at the same level as existed on October 21, 1976. The mandate, in section 603(c), to prevent unnecessary or undue degradation of the lands explicitly applies to grandfathered uses. Thus, the grandfather provision will not prevent implementation of reductions in authorized use adopted in allotment management plans.

c. **Grazing Systems.** Grazing systems in operation during the 1976 grazing fee year may continue to be used and maintained; any new range improvements must satisfy the guidelines for range improvements in section 3, below. New grazing systems may be established as long as the new range improvements needed to implement the system are permissible under the guidelines in section 3.

d. **Motor Vehicles.** Motorized access on existing access routes may be permitted. Cross-country motorized access may be authorized along routes specified by the BLM if it satisfies the nonimpairment criteria, including reclamation requirements; no grading or blading will be permitted. Temporary roads may be built if the BLM has determined that they satisfy the nonimpairment criteria.

3. **Range Improvements.** This section sets forth the general criteria that will govern the use, maintenance, and installation of range improvements. The following section 4 shows how these criteria will affect certain specific types of improvements.

a. **Pre-FLPMA Range Improvements.** Range improvements existing or under construction on October 21, 1976, may continue to be used and maintained.

b. **New, Grandfathered Range Improvements.** In a grandfathered grazing operation, if a permit between the BLM and the grazing operator, issued before October 21, 1976, provided for installation by the operator of a series or system of improvements and part of that series or system had been installed before that date, the remaining improvements of the same kind may be installed.

c. **New, Temporary Range Improvements.** Temporary range improvements may be installed if they satisfy the nonimpairment criteria.

d. **New, Permanent Range Improvements.** New, permanent range improvements not permissible under (b) above may be approved for the purpose of enhancing wilderness values by better protecting the rangeland *in a natural condition*. In such cases they must meet all of the following criteria:

- they would not require motorized access if the area were designated as wilderness;
- the improvements are substantially unnotice-

able in the wilderness study area (or inventory unit) as a whole;

- after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

For construction of approved range improvements, cross-country use of motor vehicles or construction of temporary access routes may be approved if BLM has determined that they satisfy the nonimpairment criteria.

4. Specific Guidelines for Range Improvements.

a. **Salting.** In both grandfathered and non-grandfathered grazing operations, salting practices may be continued. New salting locations may be established to improve the distribution of grazing use so long as motorized access is on existing ways and trails or is cross-country access determined by the BLM to satisfy the nonimpairment criteria.

b. **Supplemental Feeding.** Supplemental feeding may be continued in grandfathered grazing operations if it was part of the operation in the 1976 grazing fee year. Otherwise, in both grandfathered and non-grandfathered grazing, supplemental feeding may be done in cases where BLM has determined that it satisfies the nonimpairment criteria and under emergency conditions, such as unexpected heavy snowfall.

c. **Fences.** In both grandfathered and non-grandfathered grazing, new, permanent fences may be built and maintained if the BLM determines that they are needed to better protect the rangeland in a natural condition. Barbed wire and wood or steel fence posts may be used; the fence will be designed to blend with the landscape and topography, and must meet the criteria in section 3 (d) above.

d. **Water Developments.** In both grandfathered and non-grandfathered grazing, new, permanent water developments will be limited as follows, and must meet the criteria in section 3 (d) above:

- Springs may be developed so long as the water trough blends into the surrounding landscape, and the pipeline area is put back to original contour, and plant cover restored as specified in the nonimpairment criteria.
- Reservoirs, pits, and charcos may be developed if they are designed and constructed to blend into the surrounding landscape. They should be no larger than necessary, and not to exceed 10 acre feet in storage capacity. Borrow areas for fills will be from the impoundment area or within the high-water area.

e. **Vegetative Manipulation.** This includes chemical, mechanical, and biological methods. In grandfathered grazing operations, if vegetative manipulation had been done on the allotment before October 21, 1976, and its impacts were noticeable to the

average visitor on that date, the improvement may be maintained by applying the same treatment again on the land previously treated. Otherwise, vegetative manipulation may be used only for control of small areas of poisonous plants or in emergencies for control of insects and disease when there is no effective alternative. Limited exceptions are specified as follows:

- Prescribed burning may also be used where necessary to maintain fire-dependent natural ecosystems.
- Reseeding may also be done by hand or aerial methods to restore natural vegetation. (There is also a provision for reseeded in emergency rehabilitation projects, described in section C of this chapter.)

5. Wild Horse and Burro Management. Temporary facilities for management of wild horses and burros may be installed if they satisfy the nonimpairment criteria. The above guidelines for grazing practices and range improvements will also apply to wild horse and burro management, where appropriate.

J. Mineral Uses.

An understanding of several concepts is necessary before reading the following text on mining and mineral leasing operations. In Chapter I we have explained the meaning of the "grandfather" concept, "manner and degree," "nonimpairment," and "valid existing rights." Definitions of "unnecessary or undue degradation" and "substantially unnoticeable" appear in Appendix F.

The meaning and intent of these key terms will guide the minerals management in wilderness study areas during the study period. Once the wilderness study is completed and if an area is designated by Congress as wilderness, minerals management will then be directed by section 4(d) of the Wilderness Act of 1964, unless the terms of particular leases allow for greater regulation than the Wilderness Act, or unless Congress provides otherwise.

All mineral activities that were existing on October 21, 1976, may continue in the same manner and degree in which they were being conducted on October 21, 1976, even if they would impair wilderness suitability. These activities fall within the grandfather concept as discussed in Chapter I. B. 6. They will, however, be regulated to prevent unnecessary or undue degradation of the lands.

On pre-FLPMA oil and gas, geothermal, and coal leases which had no surface-disturbing impacts as of October 21, 1976, if proposed activities are denied because they cannot meet the nonimpairment criteria, the lessee has the right to request a suspension of operation. The policy on lease suspension is explained more fully in section 1 (d), below.

Valid existing rights of mining claimants will be recognized. For a claim to qualify as a valid existing right, a "discovery" of a valuable mineral, the test of

which has been accepted in case law as the "prudent man test," must be demonstrated. Activities under valid existing rights may impair wilderness suitability, but they will be regulated to prevent unnecessary or undue degradation of the lands.

All leases issued on or before October 21, 1976, have valid existing rights, the extent of which is defined by the terms and conditions of each specific lease. For the majority of pre-FLPMA leases the lease rights are not absolute nor unqualified. In other words, if there were no pre-FLPMA grandfathered activities, post-FLPMA operations would not be allowed if they would impair wilderness suitability.

Activities proposed under leases, permits and mining claims which are not covered by the grandfather or valid existing rights provisions will be subject to the nonimpairment criteria as described at the beginning of Chapter III.

1. Oil and Gas and Geothermal Leasing, Exploration, and Development.

a. Pre-FLPMA Leases. All pre-FLPMA leases on which actual pre-FLPMA physical impacts had been created through such activities as seismic, thermal gradient or other exploration drilling, production drilling, or construction of production-related facilities, are grandfathered. Operations on these leases may continue even if impairing, so long as they do not exceed manner and degree as defined in the grandfather concept. As explained in Chapter I. B. 6, this may mean that pre-FLPMA activities which began outside the boundary of a wilderness study area may be continued by that lessee onto the same or other leases held by that lessee in an adjacent wilderness study area, as long as the activity follows the logical pace and progression of development and the impacts are not of a significantly different kind.

Activities on pre-FLPMA leases on which there were no pre-FLPMA impacts will be allowed if the BLM determines that the impacts satisfy the nonimpairment criteria. If proposed activities are denied because they cannot satisfy the nonimpairment criteria, the lessee has the right to request a suspension of operation. The policy on lease suspension is explained more fully in section (d), below.

b. Post-FLPMA Leases Issued Prior to the Issuance of the Interim Management Policy. Regardless of the conditions and terms under which these leases were issued, there are no grandfathered uses inherent in post-FLPMA leases. Activities on post-FLPMA leases will be subject to a special wilderness protection stipulation as stated in Appendix A. If there is already production on any lease issued in this period, it would be allowed to continue in the least impairing manner. Increases in production or production facilities would not be allowed if the resultant impacts would further impair.

c. New Leases. New leases may be issued provided the special stipulation (Appendix A) is attached. Activities may occur under these leases so long as the BLM determines that they satisfy the nonimpairment criteria.

d. Suspension of Lease Terms - Oil and Gas and Geothermal. The Secretary of the Interior has the discretionary authority to direct or assent to a suspension of the operating and producing requirements of an oil and gas or geothermal resources lease if it is in the interest of conservation to do so and when the specific circumstances involved warrant such an action.

When the U.S. Geological Survey (GS) notifies a proponent that an application to conduct operations is being denied because of the prospect for impairment of wilderness suitability of an area under study or review as to its potential for study, it should advise the proponent of the right to (1) appeal that denial, (2) request a suspension of operation, and (3) take such other actions as are deemed appropriate to protect the rights granted by the lease. It is not appropriate for the GS or BLM to speculate as to the potential for suspension since the specific circumstances involved in each case will be determining factors in any decision. However, if the lessees who are denied the right to conduct operations because of conflicts with wilderness review are to be given a reasonable opportunity to preserve their leases, it is imperative that these potential conflicts be identified as promptly as possible during the review of requests for a preliminary environmental review, applications to conduct operations, and plans of operation, and that any written recommendation for denial be provided promptly to the GS so that it may in turn promptly notify the lessee.

For leases not encumbered with wilderness protection or no-surface-occupancy stipulations and on which an application for an otherwise acceptable plan of operations was denied for wilderness or endangered species considerations, the Secretary has established a policy of assenting to a suspension of operation or production for the time necessary to complete necessary studies and consultations and, if applicable, for a decision on wilderness status to be made. The same policy would apply in cases where a discovery of oil and/or gas has been made in a nonimpairing manner on a leasehold encumbered with a wilderness protection stipulation and for which an otherwise acceptable plan of development and production operations has been denied because it would impair suitability for wilderness.

On the other hand, in instances where a lease is encumbered by a wilderness protection or no-surface-occupancy stipulation and there has been no discovery and a lessee's request for application for permit to drill has been denied, the Secretary's policy generally has been and will be to not grant relief from the terms of the stipulation by granting a suspension.

Lessees are hereby advised that in cases where wilderness review is a factor, applications for proposed operations should be filed no later than 120 days before expiration of the lease term in order to provide adequate processing time, including time for BLM to determine whether the proposed operations would impair the suitability of the area of proposed activity for preservation as wilderness.

e. Exploration. Post-FLPMA oil and gas or geothermal exploration applied for under 43 CFR 3045 or 43 CFR 3209 will continue to be approved if the BLM determines that it satisfies the nonimpairment criteria. Pre-FLPMA exploration will be allowed to continue as provided under the grandfather concept. Consistent with sections 302(b) and 603(c) of FLPMA, all oil and gas and geothermal "Notices of Intent to Conduct Exploration" must be approved by BLM prior to commencement of operations.

2. Coal. The policy for coal is more exclusive than the other leasable minerals because of the recent regulations 43 CFR 3461, which were issued on July 19, 1979. These regulations, promulgated as a result of the Surface Mining Control and Reclamation Act and FLPMA, establish criteria for identifying lands that are unsuitable for all or certain stipulated methods of coal mining. These rules, then, supplemented by section 603(c) of FLPMA, will provide the basis for coal management in wilderness study areas.

a. Pre-FLPMA Leases and Prospecting Permits. All pre-FLPMA coal leases on which actual pre-FLPMA physical impacts had been created through such activities as production or construction of production-related facilities, may continue consistent with the grandfather provision, even if this would impair wilderness suitability. As explained in Chapter I. B. 6, this may include the logical extension of grandfathered activities which began outside the boundary of a wilderness study area into an adjacent wilderness study area. Mining plans on pre-FLPMA non-producing coal leases, even leases on which pre-FLPMA exploration drilling has taken place, will not be recommended for approval by BLM if the proposed mining methods are by surface methods or if the impacts resulting from underground mining would impair the suitability of the area for preservation as wilderness.

b. Preference Right Lease Applications. The preference right lease applicant's right to adjudication of his right to a lease will be recognized. Application of the right, however, involves application of the coal unsuitability criteria, including the wilderness review criterion number 4, of 43 CFR 3461(d)(1) and the imposition of conditions in the proposed lease to prevent impairment of the area's suitability for preservation as wilderness.

The Secretary may initiate exchange proceedings for coal under 43 CFR 3430.5-4 if he determines that, among other things, the lands are unsuitable for coal mining because of wilderness considerations.

c. New Competitive Leases. The coal unsuitability criteria will be applied to all coal lands being considered in the BLM's planning system. The only BLM-administered lands that will be offered for competitive lease sale are those on which a final wilderness inventory decision has determined that the lands lack wilderness characteristics. Once the Congress has determined that a WSA will not be designated as wilderness, the area may be considered for competitive lease.

d. Exploration Licenses. Exploration licenses are issued for exploration of unleased Federal land.

Unsuitability criteria will not be applied to exploration licenses. If the activities proposed under an exploration license would create impacts that do not satisfy the nonimpairment criteria, they would not be approved.

e. Suspension of Lease Terms. The lease suspension policy cited in section 1(d) above will apply to coal leases. One factor in the Secretary's decisions will be the diligent development requirement that must be met by the lessee.

3. Oil Shale and Tar Sands Leasing.

a. Pre-FLPMA Leases. There are no pre-FLPMA leases for tar sand and only four pre-FLPMA oil shale leases. All pre-FLPMA leases on which actual pre-FLPMA physical impacts have been created through such activities as exploration drilling, production, or construction of production-related facilities, may continue in the same manner and degree under the grandfather provisions as discussed in Chapter I. B. 6, even if these activities impair wilderness suitability. Any proposed activity which would exceed that manner and degree, as determined by BLM, would be allowed only if it satisfies the nonimpairment criteria.

Activities on pre-FLPMA leases on which no pre-FLPMA impacts have taken place will be allowed if they satisfy the nonimpairment criteria. If proposed activities are denied because they cannot meet the nonimpairment criteria, the lessee has the right to request a suspension of operation. The policy on lease suspension is explained more fully in section 1(d) above.

b. New Leases Issued After the Implementation of FLPMA. New leases may be issued provided the special stipulation (Appendix A) is attached. Activities may occur under these leases so long as the BLM determines that they satisfy the nonimpairment criteria.

c. Suspension of Lease Terms. The policy cited in section 1(d) above will apply.

4. Other Leasable Minerals (Phosphate, Potash, Sodium, Sulphur, and Hardrock (Solid) Minerals on Acquired Lands, Including Uranium).

a. Pre-FLPMA Leases and Permits. All pre-FLPMA leases on which actual pre-FLPMA physical impacts have been created through such activities as exploration drilling, production drilling, or construction of production-related facilities, may continue consistent with the grandfather provisions. As explained in Chapter I. B. 6, this may include logical extension of grandfathered activities which began outside the boundary of a wilderness study area into an adjacent wilderness study area. These activities will continue to be regulated to prevent unnecessary or undue degradation of the lands. Activities on pre-FLPMA leases on which no pre-FLPMA impacts have taken place will be allowed if the BLM determines that they satisfy the nonimpairment criteria.

b. Prospecting Permits. Prospecting permits may continue to be issued in wilderness study areas (or inventory units), subject to a stipulation that no preference right lease will be issued until or unless an environmental analysis (or environmental impact statement) is completed and it is demonstrated, on the basis of the environmental analysis and a mining plan

submitted with the application for a preference right lease, that the minerals can be removed by mining methods that will not impair the area's suitability for preservation as wilderness. Each permit will also condition exploration operations by a stipulation to insure that the impact caused by the activities will not impair the area's wilderness suitability.

c. Preference Right Lease Applications. Existing rights to preference right leases will be recognized. However, conditions will be imposed in such leases to prevent impairment of the area's suitability for preservation as wilderness.

d. Post-FLPMA Leases Issued Prior to the Issuance of the Interim Management Policy. Regardless of the conditions and terms under which these leases were issued, there are no grandfathered uses inherent in post-FLPMA leases. Activities on post-FLPMA leases will be subject to the special wilderness protection stipulation as stated in Appendix A. If there is already production on any lease issued in this time frame it would be allowed to continue in the least impairing manner and so as to prevent unnecessary or undue degradation of the lands. Increases in production or in production facilities would not be allowed if the resultant impacts would further impair wilderness suitability.

e. New Leases or Permits Issued After Implementation of FLPMA. New leases and prospecting permits will be issued subject to the special wilderness protection stipulation (Appendix A). Activities that would impair wilderness suitability will not be allowed.

5. Mining Operations Under the 1872 Mining Law.

a. Location, Prospecting, Exploration, and Mining. Mining operations conducted on lands under wilderness review will be subject to the forthcoming regulations 43 CFR 3802. The regulations will not apply to areas where a final decision that the area lacks wilderness characteristics has been made through the BLM wilderness inventory process. These regulations will provide a procedure for notifying the BLM of activities being conducted or proposed to be conducted on mining claims and will also establish the standards for approval of the conduct of those operations, including reclamation.

The regulations have several purposes: (1) to prevent impairment of the wilderness suitability of areas under wilderness review; (2) to recognize valid existing rights; (3) to allow grandfathered activities to continue; (4) to allow continued location and operations under the mining laws; and (5) to prevent unnecessary or undue degradation of the lands.

b. Valid Existing Rights. All mining claimants who located claims on or before October 21, 1976, and are able to demonstrate a discovery as of that date, as required under the 1872 Mining Law, as amended (prudent man test — must show that the claim has a reasonable prospect of being mined at a profit), will be allowed to continue their mining operations to full development even if the operations are causing or will cause impairment. Before BLM will grant approval of such operations, the operator will be required to show evidence of such discovery. If warranted, BLM

may verify data through a field examination and, if necessary, initiate contest proceedings.

Reasonable access to pre-FLPMA valid mining claims will also be granted. Such access shall be regulated to prevent or minimize impairment of the area's wilderness suitability, to the extent possible consistent with the enjoyment of the claimant's rights. Mineral patent applications on these pre-FLPMA valid claims will continue to be processed.

Whether or not the claims have a pre-FLPMA discovery determines only whether the nonimpairment standard applies. All operations will be regulated to prevent unnecessary or undue degradation of the lands until the claims are patented. (Any claim patented in the California Desert Conservation Area will continue to be regulated to prevent unnecessary or undue degradation.) All operations will be subject to the forthcoming regulations 43 CFR 3802, which will specify in what circumstances and in what manner notification will be required.

c. Temporary Limitation on the Exercise of Valid Existing Rights. If impairing activities are proposed on a pre-FLPMA claim with valid existing rights, within a wilderness study area (WSA) which the BLM Director has recommended to the Secretary as suitable for preservation as wilderness, the proposed impairing activity may be temporarily disapproved by the Director of the BLM. This is a narrow exception for extraordinary circumstances when the Secretary and the President may be expected to recommend the WSA as suitable for wilderness designation and Congress may be expected to act in a short period of time. Such a disapproval would be for one year, subject to renewal, but not to exceed a total of two years.

d. Grandfathered Activities. Owners of unpatented mining claims located on or before October 21, 1976, who cannot establish a valid existing right by demonstrating a "discovery" on the above date will be allowed to continue in the same manner and degree as on that date, even if this impairs wilderness

suitability. (See grandfather provision in Chapter I. B. 6.) For pre-FLPMA claims which have neither valid existing rights nor grandfathered uses, further exploration work to "prove-up" a discovery will be allowed only if the BLM determines that the proposed operations satisfy the nonimpairment criteria.

e. Assessment Work. Assessment work will be permitted only if the BLM determines that it satisfies the nonimpairment criteria. However, assessment work on claims which qualify under valid existing rights or the grandfather concept may, in fact, impair.

f. Deferment of Assessment Work. If proposed assessment work would impair the area's suitability for preservation as wilderness, a deferment of annual assessment work, under 30 USC 28b, may be granted for a period not to exceed two years. At the end of that period, the mining claimant must find other ways of completing nonimpairing assessment work, such as the geological, geochemical, and geophysical work allowed by the Act of September 2, 1958 (30 USC 28-1).

g. Mining Claims Located After October 21, 1976. Lands under wilderness review will continue to be subject to location under the mining laws. Location methods and subsequent assessment work will be restricted to operations which the BLM determines satisfy the nonimpairment criteria. Work towards post-FLPMA discoveries may take place, but not to the extent that impairment is caused. If discoveries are made in a nonimpairing manner or claims located after October 21, 1976, patents may issue.

h. Mining Activities in Areas Smaller Than 5,000 Acres. If the wilderness study area (or inventory unit) is smaller than 5,000 acres, all mining activities under the 1872 Mining Law will be exempt from the nonimpairment standard, and will be regulated only to prevent unnecessary or undue degradation of the lands. (The basis for this guideline is explained in Chapter I. A. 6.)

6. Disposal of Minerals Materials (Salable). Sale and free use of mineral materials will be allowed so long as the operation can be conducted consistent with the nonimpairment criteria.

APPENDIX A

WILDERNESS PROTECTION STIPULATION

By accepting this lease, the lessee acknowledges that the lands contained in this lease are being inventoried or evaluated for their wilderness potential by the Bureau of Land Management (BLM) under section 603 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743 (43 USC Sec. 1782), and that exploration or production activities which are not in conformity with section 603 may never be permitted. Expenditures in leases on which exploration drilling or production are not allowed will create no additional rights in the lease, and such leases will expire in accordance with law.

Activities will be permitted under the lease so long as BLM determines they will not impair wilderness suitability. This will be the case either until the BLM wilderness inventory process has resulted in a final wilderness inventory decision that an area lacks wilderness characteristics, or in the case of a wilderness study area until Congress has decided not to designate the lands included within this lease as wilderness. Activities will be considered nonimpairing if the BLM determines that they meet each of the following three criteria:

(a) It is temporary. This means that the use or activity may continue until the time when it must be terminated in order to meet the reclamation requirement of paragraphs (b) and (c) below. A temporary use that creates no new surface disturbance may continue unless Congress designates the area as wilderness, so long as it can easily and immediately be terminated at that time, if necessary to management of the area as wilderness.

(b) Any temporary impacts caused by the activity must, at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the wilderness study area (or inventory unit) as a whole by the time the Secretary of the Interior is scheduled to send his recommendations on that area to the President, and the operator will be required to reclaim the impacts to that standard by that date. If the wilderness study is postponed, the reclamation deadline will be extended accordingly. If the wilderness study is accelerated, the reclamation deadline will not be changed. A full schedule of wilderness studies will be developed by the Department upon completion of the intensive wilderness inventory. In the meantime, in areas not yet scheduled for wilderness study, the reclamation will be scheduled for completion within 4 years after approval of the activity. (Obviously, if and when the Interim Management Policy ceases to apply to an inventory unit dropped from wilderness review following a final wilderness inventory decision of the BLM State Director, the reclamation deadline previously specified will cease to apply.) The Secretary's schedule for transmitting his recommendations to the President will not be changed as a result of any unexpected inability to complete the reclamation by the specified date, and such inability will not constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

The reclamation will, to the extent practicable, be done while the activity is in progress. Reclamation will

include the complete recontouring of all cuts and fills to blend with the natural topography, the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring. Plant cover will be restored by means of reseeding or replanting, using species previously occurring in the area. If necessary, irrigation will be required. The reclamation schedule will be based on conservative assumptions with regard to growing conditions, so as to ensure that the reclamation will be complete, and the impacts will be substantially unnoticeable in the area as a whole, by the time the Secretary is scheduled to send his recommendations to the President. ("Substantially unnoticeable" is defined in Appendix F of the *Interim Management Policy and Guidelines for Lands under Wilderness Review*.)

(c) When the activity is terminated, and after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness. The wilderness values to be considered are those mentioned in section 2(c) of the Wilderness Act, including naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, and ecological, geological or other features of scientific, educational, scenic, or historical value.

If all or any part of the area included within the leasehold estate is formally designated by Congress as wilderness, exploration and development operations taking place or to take place on that part of the lease will remain subject to the requirements of this stipulation, except as modified by the Act of Congress designating the land as wilderness. If Congress does not specify in such act how existing leases like this one will be managed, then the provisions of the Wilderness Act of 1964 will apply, as implemented by rules and regulations promulgated by the Department of the Interior.

APPENDIX B

THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 (P.L. 94-579)

Bureau of Land Management Wilderness Study

Sec. 603. (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of the Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16

U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness: Provided, that prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the U.S. Geological Survey and

the Bureau of Mines to determine the mineral values if any, that may be present in such areas: Provided further, that the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subsection shall be conducted in accordance with the procedures specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a

manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act: Provided, that, in managing the public land the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character. Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants.

APPENDIX C

SECTION 2(c) OF THE WILDERNESS ACT OF SEPTEMBER 3, 1964 (P.L. 88-577)

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural

conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

APPENDIX D

AUTHORITY AND REGULATIONS

1. AUTHORITY

The Interim Management Policy is based on the following authorities:

- The Federal Land Policy and Management Act of 1976 (Public Law 94-579, 90 Stat. 2743, 43 USC 1701), sections 603, 302, 201, and 701, as modified by other applicable provisions of that Act and by other laws. (See Appendix B for the text of section 603.)
- The Wilderness Act of 1964 (Public Law 88-577, 78 Stat. 890, 16 USC 1131). (See Appendix C for the text of section 2(c).)

2. REGULATIONS

Requirements of the Interim Management Policy will be considered by the BLM, to the extent necessary, as part of its decisionmaking process in considering approval of any activity on the public lands pursuant to existing or new regulations.

Most of the policies in this document can and will be implemented through existing regulations covering specific activities. However, some of the policies will be implemented through the promulgation of new regulations — either proposed regulations that are now in preparation, or revisions to existing regulations.

One rulemaking now in progress concerns mining activities on lands under wilderness review:

- Exploration and Mining — Wilderness Review Program (43 CFR 3802). These regulations pertain only to locatable minerals under the 1872 Mining Law. (See Chapter III. J. 5(a) of this document.)

Two other proposed rulemakings in preparation concern mineral leasing and mining activities on all BLM-administered lands and will reflect the Interim Management Policy:

- Geophysical Exploration — Oil and Gas (43 CFR 3045).
- Surface Management of Mining Claims (43 CFR 3809). When these regulations are promulgated, they will incorporate the regulations (43 CFR 3802) for exploration and mining on lands under wilderness review.

The interim management requirements are already reflected in general terms in the following regulations, which are now in effect:

- Federal Lands Review — Unsuitability for Mining (43 CFR 3461). This covers coal mining on public lands.
- Off-Road Vehicles (43 CFR 8340).

Changes in existing regulations will also be proposed wherever this is found necessary to implement the Interim Management Policy.

APPENDIX E

THE WILDERNESS REVIEW PROGRAM

To carry out the mandate of section 603 of FLPMA, the Bureau of Land Management has developed a comprehensive wilderness review program. Key elements of the overall program include:

1. Wilderness Review. The wilderness review process has three phases: inventory, study, and reporting to Congress. Public involvement is encouraged in all phases of the process, with opportunity provided for comment, participation, and review. The wilderness review applies to all public lands administered by the BLM except:

- Lands where the United States owns the minerals but the surface is not Federally owned.
- Lands being held for the benefit of Indians, Aleuts, and Eskimos.
- Lands tentatively approved for State selection in Alaska.
- Lands on the Outer Continental Shelf.
- Oregon and California grant (O & C) lands that are managed for commercial timber production.

The phases of the wilderness review process are as follows:

a. **Inventory.** First, BLM does an inventory of the public lands to identify areas that meet the definition of wilderness established by Congress. Such areas are identified as wilderness study areas (WSA's). The procedures for this inventory are described in the *Wilderness Inventory Handbook*. The inventory is scheduled for completion in the contiguous Western States in 1980.

b. **Study.** Each WSA must be studied through the BLM land-use planning system to analyze all values, resources, and uses within the WSA. The findings of the study determine whether the area will be recommended as suitable or unsuitable for designation as wilderness.

c. **Reporting.** When the study has been completed, a recommendation as to whether the WSA is suitable or unsuitable for designation as wilderness is submitted through the Secretary of the Interior and the President to Congress. A mineral survey by the

U.S. Geological Survey and Bureau of Mines will accompany every "suitable" recommendation. Reports on all WSA's must reach the President no later than October 21, 1991, and reach Congress by October 21, 1993. Only Congress can designate an area as wilderness.

2. **Instant Study Areas.** FLPMA also requires that by July 1, 1980, the Secretary of the Interior must submit recommendations to the President on the wilderness suitability of 55 public land areas that were formally identified as "natural" or "primitive" areas prior to November 1, 1975. These are known as "instant study areas" because Congress directed study and reporting on these areas, without awaiting completion of the wilderness inventory.

3. **Management of Areas under Wilderness Review.** This is the Interim Management Policy which is the subject of this document. It establishes the guidelines for determining uses and activities that may occur in areas under wilderness review. It applies until Congress takes action on the President's recommendations.

APPENDIX F

DEFINITIONS

Some of the terms used in this document have specific meanings and are defined as follows:

Cross-country: Refers to travel that is not on existing access routes (ways and trails) and does not involve any surface disturbance other than that caused solely by the passage of vehicles.

Cumulative Impact: The aggregate impact of existing and proposed activities. Individual intrusions when considered by themselves may not impair wilderness suitability; however, when combined with other existing and proposed substantially unnoticeable impacts, the total effect may be sufficient to impair an area's suitability for preservation as wilderness.

FLPMA: The Federal Land Policy and Management Act of 1976 (Public Law 94-579, 90 Stat. 2743, 43 USC 1701).

Impact: The effect, influence, alteration, or imprint of an activity.

Impair: To diminish in value or excellence.

Impair Wilderness Suitability: Refers to activities that are considered to impair an area's suitability for preservation as wilderness — i.e., that do not satisfy the "nonimpairment criteria" set forth in Chapter I. B. 2 of this document.

Instant Study Area: One of the 55 primitive and natural areas formally identified by BLM through a final action published in the *Federal Register* before November 1, 1975. FLPMA requires an accelerated

wilderness review of these areas.

Multiple Use: "...the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." (From section 103, FLPMA).

Pre-FLPMA: Before October 21, 1976, the date of approval of the Federal Land Policy and Management Act.

Primitive and Unconfined Recreation: Nonmotorized and nondeveloped types of outdoor recreational activities.

Public Lands: For the purpose of the wilderness review program, any lands and interest in lands owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except:

1. Lands where the United States owns the minerals but the surface is not Federally owned.
2. Lands being held for the benefit of Indians, Aleuts, and Eskimos.
3. Lands tentatively approved for State selection in Alaska.
4. Lands on the Outer Continental Shelf.
5. Oregon and California grant (O & C) lands that are managed for commercial timber production.

Roadless: For the purpose of the wilderness review program, this refers to the absence of roads which have been improved and maintained by mechanical means to ensure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road.

Words and phrases used in the above definition of "roadless" are defined as follows:

1. Improved and maintained: Actions taken physically by man to keep the road open to vehicular traffic. "Improved" does not necessarily mean formal construction. "Maintained" does not necessarily mean annual maintenance.
2. Mechanical means: Use of hand or power machinery or tools.
3. Relatively regular and continuous use: Vehicular use which has occurred and will continue to occur on a relatively regular basis. Examples are: Access roads for equipment to maintain a stock water tank or other established water sources; access roads to maintained recreation sites or facilities; or access roads to mining claims.

Solitude: 1. The state of being alone or remote from habitations; isolation. 2. A lonely, unfrequented, or secluded place.

Substantially Unnoticeable: Refers to something that either is so insignificant as to be only a very minor feature of the overall area or is not distinctly recognizable by the average visitor as being manmade

or man-caused because of age, weathering, or biological change. An example of the first would be a few minor dams or abandoned mine buildings that are widely scattered over a large area, so that they are an inconspicuous part of the scene. Serious intrusions of this kind, or many of them, may preclude inclusion of the land in a wilderness study area. (See also "Cumulative Impact," above.) An example of the second would be an old juniper control project that has grown up to a natural appearance, the old fallen trees largely decomposed.

Unnecessary or Undue Degradation: Impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations and based on sound practices, including use of the best reasonably available technology.

Wilderness: The definition contained in section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix C for its full text.)

Wilderness Area: An area formally designated by Congress as part of the National Wilderness Preservation System.

Wilderness Characteristics: The definition contained in section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix C for its full text.)

Wilderness Inventory: An evaluation of the public lands in the form of a written description and map showing those lands that meet the wilderness criteria as established under section 603(a) of FLPMA and section 2(c) of the Wilderness Act, which will be referred to as wilderness study areas (WSA's). (See *Wilderness Inventory Handbook*, dated September 27, 1978.)

Wilderness Review Program: The term used to cover the entire process of wilderness inventory, study, and reporting for the wilderness resource, culminating in recommendations submitted through the Secretary of the Interior and the President to Congress as to the suitability or unsuitability of each wilderness study area for inclusion in the National Wilderness Preservation System. (For a summary of the program, see Appendix E.)

Wilderness Study Area (WSA): A roadless area or island that has been inventoried and found to have wilderness characteristics as described in section 603 of FLPMA and section 2(c) of the Wilderness Act of 1964 (78 Stat. 891).

STATE OFFICES
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

ALASKA:
701 'C' Street
Box 13
Anchorage, Alaska 99513

ARIZONA:
2400 Valley Bank Center
Phoenix, AZ 85073

CALIFORNIA:
Federal Building, Room E-2841
2800 Cottage Way
Sacramento, CA 95825

COLORADO:
Colorado State Bank Building
1600 Broadway
Denver, CO 80202

**STATES EAST OF THE MISSISSIPPI RIVER,
PLUS IOWA, MINNESOTA, MISSOURI,
ARKANSAS AND LOUISIANA:**
Eastern States Office
350 S. Pickett Street
Alexandria, VA 22304

IDAHO:
Federal Building, Room 398
550 West Fort Street
P.O. Box 042
Boise, ID 83724

**MONTANA, NORTH DAKOTA AND
SOUTH DAKOTA:**
222 N. 32nd Street
P.O. Box 30157
Billings, MT 59107

NEVADA:
Federal Building, Room 3008
300 Booth Street
Reno, NV 89509

NEW MEXICO, OKLAHOMA AND TEXAS:
U.S. Post Office and Federal Building
South Federal Place
P.O. Box 1449
Santa Fe, NM 87501

OREGON AND WASHINGTON:
729 N.E. Oregon Street
P.O. Box 2965
Portland, OR 97208

UTAH:
University Club Building
136 East South Temple
Salt Lake City, UT 84111

WYOMING, KANSAS AND NEBRASKA:
2515 Warren Ave.
P.O. Box 1828
Cheyenne, WY 82001

ADVANCE COPY

Central file



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

WASHINGTON, D.C. 20240

IN REPLY REFER TO:
8500 (430)

December 28, 1979

Organic Act Directive No. 80-10

To: All State Directors

From: Associate Director

Subject: Interim Management Policy and Guidelines
for Lands Under Wilderness Review

Enclosed is the final Interim Management Policy and Guidelines for Lands Under Wilderness Review (IMP), which was officially released on December 12, 1979, and took effect on that date.

The Bureau must actively work to ensure that all affected activities comply with this policy. Wherever an activity is found to be in violation, you will take immediate action to bring it into compliance and to obtain full restoration of the area.

Regulations will soon be issued to assist you in implementing the IMP with respect to mining activities under the 1872 Mining Law. In the meantime, please continue to manage such mining activities as indicated in Organic Act Directives Nos. 79-26 and (for units smaller than 5,000 acres) 79-50. OAD No. 79-41 will be replaced by the forthcoming regulations, but in the meantime you may use the procedures described in points 1 through 4 of that OAD.

Interim management work will be charged to the specific program that generates the interim management issue (e.g., oil and gas, realty actions, grazing management). No interim management work will be charged to wilderness, unless it occurs incidentally to other wilderness efforts (such as wilderness inventory or study) within the funds allowed for those efforts.

Questions about the Interim Management Policy should be directed to the WO Division of Wilderness and Environmental Areas (code 430), on FTS 343-6064.

Arnold E. Letty
Acting

1 Enclosure

Encl. 1 - Interim Management Policy for Lands Under Wilderness Review

Central File

ADVANCE COPY

REMOVAL

REMOVAL OF RECORDS AND
REMOVAL OF RECORDS AND

United States Department of the Interior



BUREAU OF LAND MANAGEMENT

WASHINGTON, D.C. 20000

December 10, 1979

Organic and Disposition

All State

Association

Subject: Interior Management Policy and Guidelines

for Lands Management Review

Enclosed is the final Interior Management Policy and Guidelines for Lands

Under Management Review (LMP) which was originally developed on Decem-

ber 17, 1979, and has been revised on that date.

The Bureau has conducted a review of the LMP and has determined that it is in compliance with the policy and guidelines set forth in the LMP. The Bureau has also determined that the LMP is in compliance with the policy and guidelines set forth in the LMP.

Regulations will now be issued to implement the LMP with respect to lands management under the LMP. The regulations will be issued to implement the LMP with respect to lands management under the LMP. The regulations will be issued to implement the LMP with respect to lands management under the LMP.

Interior management work will be changed to the specific program that governs the interior management work (e.g., all and not, twenty million, granting management). The interior management work will be changed to the specific program that governs the interior management work (e.g., all and not, twenty million, granting management).

Questions about the Interior Management Policy and Guidelines should be directed to the Division of Management and Development, Bureau of Land Management, 410, on 712 211-8081.

[Handwritten signature]
Acting

1 Enclosure
Encl. 1 - Interior Management Policy and Guidelines
Under Management Review